

Agenda

Environmental Protection Commission

RECORD COPY EPC Meeting
File Name ADM-1-1-1 Feb. 1995
Senders Initials JL

February 20, 1995
10:00 AM

Wallace State Office Building, Fourth Floor Conference Room

Public Participation

10:30 A.M.

Agenda topics

1. Approve Agenda
2. Approve Minutes of January 17, 1995
3. Director's Report Larry Wilson (Information)
4. Monthly Financial Status Report Stan Kuhn (Information)
5. Clean Lakes Program Contract Approval Stan Kuhn (**Decision**)
6. UHL Contract Approval - Sampling of Public Water Supplies Impacted by Flood of 1993 Stan Kuhn (**Decision**)
7. Iowa Business Loan Program Applications Teresa Hay (Information)
8. Monthly Reports Allan Stokes (Information)
9. Emergency Rule--Chapter 22, Air Operating Permits Allan Stokes (**Decision**)
10. Notice of Intended Action--Chapters 20, 22, 23 & 25, Air Quality Allan Stokes (**Decision**)
11. Proposed Rule--Chapter 112, Infectious Waste Allan Stokes (Information)
12. Proposed Rule--Chapter 117, Waste Tire Collection and Processing Allan Stokes (Information)
13. Air Quality Budget and Permit Fees Allan Stokes (Information)
- 13A. Notice of Termination of Rulemaking & Emergency Adopted Rule - Ch. 23, " " Decision
14. Proposed Contested Case Decision--City of Newton, Open Burning Allan Stokes (**Decision**)
Robert and Lynn Van Maaren; Lucille Loar; Melburn and Jayne Clymer; and Leland C. Faidley
15. Air Quality Rules Allan Stokes (Information)
16. Legislation Update Don Paulin (Information)
17. General Discussion
18. Address Items for Next Meeting

ENVIRONMENTAL PROTECTION COMMISSION

Monday, February 20, 1995

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

STEVE GUYER	IES Industries	Cedar Rapids
Tom Neumann	City of Ames	Ames / IA
Scott Young	Smith Gill	Kansas City, MO
Roberts Main	IWPCA	NEWTON
Jane McAllister	Ahlens Law Firm	DSM
Melody Faler	Thompson Environmental	W.DSM.
DAN VEST	GROWMARK, INC.	BLUENINGTON, IL.
Dan Huss	Grain Processing Corp	Muscatine
JACK SOENER	ABI	DSM
Christopher Hess	EPA	Kansas City, KS
Amy Christensen Couch	Sullivan & Ward	Des Moines
Red Borcht	CRaythe	
Neil Leipter	Solway Animal	Charles City, IA
Jeff Field	Solway Animal	Charles City, IA
Richard Kelley	U & C	DSM
John Havens	IMWRC	CR, IA

ENVIRONMENTAL PROTECTION COMMISSION

Monday, February 20, 1995

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Linda Kading

IAMA

Des Moines

RECORD COPY EPC Meeting
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MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

FEBRUARY 20, 1995

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Siebenmann at 10:00 a.m. on Monday, February 20, 1995, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

William Ehm
Rozanne King, Secretary
Charlotte Mohr
Kathryn Murphy
Gary Priebe
Nancylee Siebenmann, Chair
Terrance Townsend
Clark Yeager, Vice-Chair

MEMBERS ABSENT

Verlon Britt

Commissioner Britt phoned to say he has a conflicting meeting out of state.

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Notice of Termination of Rulemaking and Emergency Adopted Rule - Open Burning --Chapter 23

Motion was made by Charlotte Mohr to approve the agenda as amended. Seconded by Rozanne King. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Motion was made by Rozanne King to approve the meeting minutes of January 17, 1995, as presented. Seconded by Kathryn Murphy. Motion carried unanimously.

APPROVED AS PRESENTED

FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Attached is the YTD division-level expenditure status report as of 1/31/95. This report will be presented to the Commission and staff will respond to related questions concerning the DNR budget.

DIRECTOR'S OFFICE/I&E BUREAU

EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 1/31/95	YTD Actual 1/31/95	Under (Over)
PERS SERV	941,578	970,715	601,843	585,946	15,897
PERS TRV IN	36,778	53,100	26,550	23,469	3,081
STATE VEHICL	4,347	7,931	4,624	2,266	2,358
DEPRECIATION	7,755	12,640	7,369	4,585	2,784
PERS TRV OUT	8,273	9,500	4,750	4,893	(143)
OFF SUPPLY	75,525	104,076	52,038	55,140	(3,102)
FAC MAINT SU	1,028	6,000	3,000	34	2,966
EQUIP MAINT	3,540	6,850	3,425	2,227	1,198
OTHER SUPPLY	39,327	65,899	32,950	42,929	(9,980)
PRINT & BIND	299,648	293,510	146,755	82,875	63,880
UNIFORMS	306	2,150	1,075	910	165
COMMUNICATIO	22,957	26,900	13,450	11,993	1,457
RENTALS	1,287	1,500	750	958	(208)
UTILITIES	218	750	375	85	290
PROF SERV	89,165	70,568	31,756	20,304	11,452
OUTSIDE SERV	25,614	28,550	14,275	7,582	6,693
ADVER PUB	0	6,000	3,000	0	3,000
DATA PROC	13,979	14,050	7,025	4,541	2,484
REIMBURSEMENT	2,060	6,175	3,088	658	2,430
EQUIPMENT	34,828	30,724	19,971	17,028	2,943
OTHER EXP	100	2,600	1,300	0	1,300
	1,608,313	1,720,188	979,367	868,423	110,944

ADMINISTRATIVE SERVICES DIVISION

EXPENSE	Actual	Budget	YTD Budget	YTD Actual	Under
CATEGORY	FY94	FY95	1/31/95	1/31/95	(Over)
PERS SERV	3,544,312	3,598,211	2,230,891	2191668	39,223
PERS TRV IN	36,797	48,050	24,025	18,399	5,626
STATE VEHICL	48,733	57,000	33,231	27,268	5,963
DEPRECIATION	145,319	80,500	46,932	40,125	6,807
PERS TRV OUT	4,784	7,300	3,650	6,296	(2,646)
OFF SUPPLY	314,207	315,255	157,628	161,977	(4,350)
FAC MAINT SU	2,091	21,000	10,500	240	10,260
EQUIP MAINT	45,040	52,000	26,000	21,544	4,456
OTHER SUPPLY	8,005	14,300	7,150	1,757	5,393
PRINT & BIND	21,116	14,500	7,250	6,882	368
UNIFORMS	2,460	2,500	1,250	1,833	(583)
COMMUNICATIO	98,778	97,100	48,550	43,111	5,439
RENTALS	503	500	250	184	66
UTILITIES	527	0	0	282	(282)
PROF SERV	62,018	40,000	18,000	33,204	(15,204)
OUTSIDE SERV	28,369	73,650	36,825	10,528	26,297
ADVER PUB	0	500	250	20	230
DATA PROC	188,477	97,000	48,500	23,394	25,106
AUDITOR REIM	163,645	160,000	72,000	56,753	15,247
REIMBURSEMENT	183,548	117,150	58,575	40,416	18,159
EQUIPMENT	173,698	158,508	103,030	104,156	(1,126)
OTHER EXP	383,632	165,320	82,660	0	82,660
LICENSES	0	50	25	0	25
	5,456,059	5,120,394	3,017,171	2,790,037	227,134

PARKS, PRESERVES AND RECREATION DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 1/31/95	YTD Actual 1/31/95	Under (Over)
PERS SERV	4,378,069	4,475,451	2,774,780	2,737,831	36,949
SEASONAL HELP	1,278,892	1,345,012	820,457	966,861	(146,404)
PERS TRV IN	72,376	57,274	28,637	34,614	(5,977)
STATE VEHICL	212,137	204,800	119,398	126,858	(7,460)
DEPRECIATION	304,490	296,900	173,093	172,100	993
PERS TRV OUT	4,998	7,585	3,793	3,190	603
OFF SUPPLY	33,046	35,700	17,850	27,378	(9,528)
FAC MAINT SU	500,824	479,500	239,750	289,850	(50,100)
EQUIP MAINT	400,521	286,749	143,375	207,866	(64,492)
AG CONS SUPP	67,853	26,792	13,396	11,264	2,132
OTHER SUPPLY	39,315	36,194	18,097	17,037	1,060
PRINT & BIND	54,853	24,000	12,000	5,253	6,747
UNIFORMS	31,530	31,577	15,789	17,466	(1,678)
COMMUNICATIO	98,313	98,002	49,001	45,260	3,741
RENTALS	37,023	34,900	17,450	28,084	(10,634)
UTILITIES	432,202	401,951	200,976	208,934	(7,959)
PROF SERV	97,181	62,408	28,084	6,410	21,674
OUTSIDE SERV	221,882	179,852	89,926	115,271	(25,345)
ADVER PUB	1,070	1,050	525	529	(4)
DATA PROC	4,555	5,000	2,500	1,738	762
REIMBURSMEN	7,084	2,425	1,213	2,386	(1,174)
EQUIPMENT	203,645	202,000	131,300	121,563	9,737
OTHER EXP	776	4,700	2,350	0	2,350
LICENSES	512	697	349	74	275
	8,483,147	8,300,519	4,904,086	5,147,817	(243,731)

FORESTS AND FORESTRY DIVISION

EXPENSE	Actual	Budget	YTD Budget	YTD Actual	Under
CATEGORY	FY94	FY95	1/31/95	1/31/95	(Over)
PERS SERV	1,700,668	1,762,827	1,092,953	1,048,903	44,050
SEASONAL HELP	93,663	110,874	67,633	40,454	27,179
PERS TRV IN	34,236	43,500	21,750	19,501	2,249
STATE VEHICL	68,031	91,000	53,053	38,246	14,807
DEPRECIATION	133,145	139,700	81,445	78,545	2,900
PERS TRV OUT	7,996	9,300	4,650	4,847	(197)
OFF SUPPLY	16,770	20,300	10,150	16,108	(5,958)
FAC MAINT SU	50,454	44,000	22,000	18,904	3,096
EQUIP MAINT	59,574	57,000	28,500	26,683	1,817
AG CONS SUPP	130,342	144,000	72,000	88,940	(16,940)
OTHER SUPPLY	39,763	39,900	19,950	4,767	15,183
PRINT & BIND	5,909	15,500	7,750	1,841	5,909
UNIFORMS	8,066	15,600	7,800	4,046	3,754
COMMUNICATIO	31,170	43,669	21,835	16,186	5,649
RENTALS	34,925	36,000	18,000	12,746	5,254
UTILITIES	28,690	37,000	18,500	9,833	8,667
PROF SERV	0	500	225	8,878	(8,653)
OUTSIDE SERV	59,777	68,500	34,250	15,220	19,030
ADVER PUB	406	2,000	1,000	58	942
DATA PROC	19,776	3,300	1,650	412	1,238
REIMBURSMENT	918	550	275	420	(145)
EQUIPMENT	74,077	115,931	75,355	96,709	(21,354)
	2,598,356	2,800,951	1,660,724	1,552,247	108,477

ENERGY & GEOLOGICAL RESOURCES DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 1/31/95	YTD Actual 1/31/95	Under (Over)
PERS SERV	2,254,092	2,396,255	1,485,678	1,370,570	115,108
PERS TRV IN	20,252	39,893	19,947	10,344	9,603
STATE VEHICL	12,298	19,000	11,077	6,776	4,301
DEPRECIATION	25,560	30,500	17,782	13,040	4,742
PERS TRV OUT	41,042	66,696	33,348	25,638	7,710
OFF SUPPLY	30,407	34,560	17,280	14,854	2,426
FAC MAINT SU	2,284	1,700	850	27	823
EQUIP MAINT	3,212	8,350	4,175	1,406	2,769
PROF SUPPLY	977	5,121	2,561	156	2,405
OTHER SUPPLY	21,530	36,953	18,477	8,439	10,038
PRINT & BIND	31,317	49,700	24,850	8,600	16,250
UNIFORMS	0	1,000	500	154	346
COMMUNICATIO	40,457	45,850	22,925	18,945	3,980
RENTALS	2,194	500	250	2,413	(2,163)
UTILITIES	19,980	18,400	9,200	5,878	3,322
PROF SERV	767,256	1,352,826	608,772	217,055	391,717
OUTSIDE SERV	21,166	75,677	37,839	21,268	16,571
ADVER PUB	460	0	0	129	(129)
DATA PROC	13,584	22,900	11,450	3,131	8,319
REIMBURSEMENT	5,306	7,330	3,665	2,441	1,224
EQUIPMENT	94,217	105,945	68,864	33,255	35,609
OTHER EXP	4,639	25,409	12,705	0	12,705
	3,412,230	4,344,565	2,412,192	1,764,519	647,673

ENVIRONMENTAL PROTECTION DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 1/31/95	YTD Actual 1/31/95	Under (Over)
PERS SERV	7,539,956	8,584,860	5,322,613	4,725,674	596,939
PERS TRV IN	52,321	143,000	71,500	26,837	44,663
STATE VEHICL	38,614	48,500	28,276	23,838	4,438
DEPRECIATION	62,205	70,500	41,102	35,415	5,687
PERS TRV OUT	68,533	165,114	82,557	28,200	54,357
OFF SUPPLY	75,264	110,469	55,235	56,565	(1,331)
FAC MAINT SU	989	8,600	4,300	2,692	1,608
EQUIP MAINT	14,440	17,000	8,500	6,612	1,888
PROF SUPPLY	0	1,350	675	0	675
OTHER SUPPLY	21,959	44,050	22,025	8,484	13,541
PRINT & BIND	58,487	82,050	41,025	48,238	(7,213)
UNIFORMS	1,992	4,500	2,250	1,675	575
COMMUNICATIO	150,998	162,600	81,300	80,828	472
RENTALS	65,589	66,500	33,250	33,278	(28)
UTILITIES	17,622	24,811	12,406	7,451	4,955
PROF SERV	1,441,690	5,067,139	2,280,213	776,733	1,503,480
OUTSIDE SERV	84,580	71,080	35,540	44,538	(8,998)
INTRA TRANSF	0	404,000	202,000	0	202,000
ADVER PUB	6,536	10,600	5,300	2,402	2,898
DATA PROC	165,651	239,206	119,603	88,986	30,617
REIMBURSEMENT	23,854	45,650	22,825	17,162	5,663
EQUIPMENT	323,387	2,772,339	1,802,020	448,053	1,353,967
OTHER EXP	8,650	23,250	11,625	0	11,625
	10,223,317	18,167,168	10,286,138	6,463,661	3,822,477

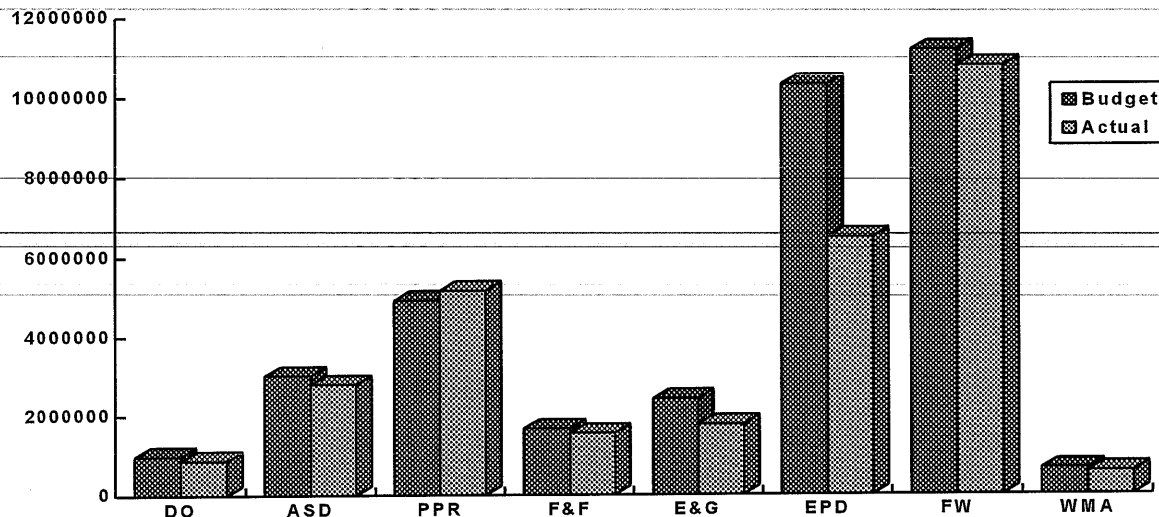
FISH AND WILDLIFE DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 1/31/95	YTD Actual 1/31/95	Under (Over)
PERS SERV	11,725,190	11,802,780	7,317,724	7,338,859	(21,135)
SEASONAL HELP	621,243	781,508	476,720	458,883	17,837
PERS TRV IN	345,439	351,280	175,640	171,342	4,298
STATE VEHICL	505,451	497,386	289,976	320,099	(30,123)
DEPRECIATION	678,010	754,723	440,004	401,815	38,189
PERS TRV OUT	30,179	40,400	20,200	21,473	(1,273)
OFF SUPPLY	329,984	334,118	167,059	203,076	(36,017)
FAC MAINT SU	401,632	491,580	245,790	165,543	80,247
EQUIP MAINT	361,965	350,436	175,218	232,518	(57,300)
AG CONS SUPP	294,457	382,075	191,038	156,302	34,736
OTHER SUPPLY	152,016	105,707	52,854	95,905	(43,052)
PRINT & BIND	157,197	224,375	112,188	105,115	7,073
UNIFORMS	106,426	134,675	67,338	59,740	7,598
COMMUNICATIO	236,569	207,200	103,600	138,222	(34,622)
RENTALS	56,926	73,535	36,768	27,190	9,578
UTILITIES	212,848	226,116	113,058	94,332	18,726
PROF SERV	134,334	411,009	184,954	195,047	(10,093)
OUTSIDE SERV	207,047	162,812	81,406	96,764	(15,358)
ADVER PUB	2,024	2,600	1,300	601	699
DATA PROC	69,538	54,000	27,000	47,486	(20,486)
REIMBURSEMENT	68,912	68,450	34,225	14,969	19,256
EQUIPMENT	439,667	1,258,954	818,320	390,644	427,676
OTHER EXP	1,897	600	300	3,295	(2,995)
LICENSES	46	300	150	11	139
	17,138,997	18,716,619	11,132,827	10,739,231	393,596

WASTE MANAGEMENT ASSISTANCE DIVISION

EXPENSE	Actual	Budget	YTD Budget	YTD Actual	Under
CATEGORY	FY94	FY95	1/31/95	1/31/95	(Over)
PERS SERV	710,567	750,557	465,345	456,372	8,973
PERS TRV IN	27,240	34,300	17,150	15,914	1,236
PERS TRV OUT	22,096	47,200	23,600	9,446	14,154
OFF SUPPLY	6,849	26,200	13,100	4,650	8,450
EQUIP MAINT	0	3,150	1,575	380	1,195
OTHER SUPPLY	7,665	5,585	2,793	1,728	1,065
PRINT & BIND	31,417	51,324	25,662	19,352	6,310
UNIFORMS	0	100	50	0	50
COMMUNICATIO	14,989	17,500	8,750	7,105	1,645
RENTALS	889	1,550	775	460	315
PROF SERV	66,367	118,411	53,285	33,107	20,178
OUTSIDE SERV	9,218	14,300	7,150	1,025	6,125
ADVER PUB	1,614	2,600	1,300	0	1,300
DATA PROC	7,270	7,600	3,800	2,384	1,416
REIMBURSEMENT	16,575	23,100	11,550	6,647	4,903
EQUIPMENT	0	15,700	10,205	16,378	(6,173)
OTHER EXP	4,639	5,700	2,850	0	2,850
	927,395	1,124,877	648,940	574,948	73,992

DNR Division Level Status, 1/31/95



Mr. Kuhn presented the division expenditure reports.

Discussion followed regarding the hourly pay for summer workers, overage on equipment costs for WMA, and increases in the cost of paper.

INFORMATIONAL ONLY

CLEAN LAKES PROGRAM CONTRACT APPROVAL

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The Commission is requested to approve a \$30,928 contract with the Division of Soil Conservation (DSC), Iowa Department of Agriculture and Land Stewardship. The contract will extend through June 30, 1995, and will be funded using FY89 EPA Clean Lakes Program funds awarded to the Department for lake watershed assessment activities.

The contract will provide funding to DSC to conduct lake watershed assessment activities. Considerable information for a number of lake watersheds has been collected as a result of past lake protection projects but this information is not available in a single comprehensive location or format. Contract funds will be used by DSC to identify and compile available lake watershed assessment data and to create a comprehensive lake watershed data base. In addition, DSC will compile and analyze data on the watersheds of 10 to 20 lakes for which such data is currently lacking. This data will include soil types, topography, land uses, livestock operations, and current soil conservation and land management practices. For each lake, a detailed watershed analysis report will be completed.

Mr. Kuhn explained details of the contract and reviewed the Clean Lakes Program.

Rozanne King asked where this contract fits into the budget.

Mr. Kuhn replied that it will show up in the Professional Services category; the ceiling as to the amount available is set by the Clean Lakes Act Program.

Motion was made by Charlotte Mohr to approve a contract with DALs, Division of Soil Conservation, to conduct lake watershed assessment activities at a cost of \$30,928. Seconded by Clark Yeager. Motion carried unanimously.

APPROVED AS PRESENTED

UHL CONTRACT - SAMPLING OF PUBLIC WATER SUPPLIES IMPACTED BY FLOOD OF 1993

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The Environmental Protection Commission is requested to approve a contract with the University Hygienic Laboratory (UHL). The contract is to sample and analyze public water supplies impacted by the 1993 flood. Fifty-nine facilities have been selected for monitoring. Results will be used as basis for assisting PWS that suffered flood damage or whose operation was impaired by flooding to prepare or update emergency response plans to cope with future floods. The Contract includes the following:

- Sample containers will be supplied to each facility involved with instructions for collection of samples for analysis of inorganic and organic chemicals specified by EPA Phase I, II, IIb, and V regulations.
- Initial sample from 69 source/entry points of raw water supplies with secondary sample from 30 source/entry points (taken within the distribution system) after the water had been treated.
- Quarterly follow-up on positive samples for remainder of 1995 and 1996 if warranted.
- Seventy-eight contaminants will be analyzed. The information will be used by the DNR to meet the routine monitoring requirements of the water supply.

The amount of the contract is approximately \$380,000 and may be adjusted if positive quarterly samples are exceed the anticipated levels.

Funds for the contract are provide by EPA under Section 1442 of the Safe Drinking Water Act, 40 CFR PTS 31, 35 SUBPT A, and 1994 Stafford Relief Act. No state general funds are to be used.

Mr. Kuhn explained details of the contract.

Brief discussion followed.

Motion was made by Clark Yeager to approve a contract with the UHL to sample and analyze public water supplies impacted by the 1993 flood, at a cost of \$380,000. Seconded by William Ehm. Motion carried unanimously.

APPROVED AS PRESENTED

IOWA BUSINESS LOAN PROGRAM APPLICATIONS

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

Five (5) applications were received for consideration in response to the Request For Proposals for the new Iowa Business Loan Program. Nearly \$900,000 was requested in zero interest loan assistance. Approximately \$700,000 is available to award to selected applicants.

The objective of this program is to offer zero interest loans to Iowa businesses to assist in their efforts to reduce the amount of solid waste they generate and to assist Iowa businesses in increasing their use of recycled materials in the manufacture or remanufacture of products. A portion of the solid waste tonnage fees were set aside to fund this program.

Eligible applicants include any Iowa business that submits a correctly completed proposal by the application deadline. Eligible projects must involve one or more of the following: the purchase of equipment to achieve waste reduction at the source (source reduction); projects that manufacture or remanufacture products with recycled material content; projects that process eligible solid waste materials; or any project involving the recycling of waste tires.

A summary of applications received is attached for the Commission's information. Application review is scheduled to be completed by the end of February, 1995, and awards will be announced in March. The first contracts will come to the Commission for approval in April.

IOWA BUSINESS LOAN PROGRAM FOR WASTE REDUCTION AND RECYCLING

The Department of natural resources received five (5) applications for financial assistance consideration in January 1995. Applicants requested nearly \$900,000 in zero interest loan assistance. Approximately \$700,000 is available to award to selected applicants.

Of the 5 applications submitted, 3 involved the processing of scrap tires, 1 involved recycling of concrete and asphalt, and the final application dealt with recycling waste plastics and the manufacture of plastic lumber products.

APPLICATION 1: Siouxland Recovery Plastics

REQUEST: \$398,500

Applicant: Richard Hall, Co-Owner

The applicant is proposing to collect, accept and purchase various types of waste plastics for recycling. Plastics will be ground into flakes and the flakes will be extruded into various lumber products for agricultural and commercial uses. The facility is located in the City of Sioux City, Woodbury County. Financial assistance will be used in the purchase of equipment.

The applicant received a \$160,000 grant through the Landfill Alternatives Grant Program in the Fall of 1990 to begin recycling paper primarily from the commercial sector.

APPLICATION 2: Iowa Rubber

REQUEST: \$125,700

Applicant: Douglas Leach, Owner

The applicant is proposing to expand the collection of scrap tires from landfills, tire haulers, and tire dealers in Eastern Iowa. Scrap tires will be processed to the crumb rubber level. The processed material will then be molded into rubber mats for sale primarily in the agricultural sector. The applicant is located in the City of Muscatine, Muscatine County. Financial assistance is requested to assist in the purchase of equipment.

APPLICATION 3: Bee Rite Tire Disposal, Inc.

REQUEST: \$122,811

Applicant: Jerry Yoemans, CEO

The applicant is proposing to continue the collection of scrap tires from landfills, tire haulers, and tire dealers and expand operations to include shredding of scrap tires for marketing as TDF, livestock bedding, playground material, and leachate collection aggregate. The applicant is located in the City of Marshalltown, Marshall County. Financial assistance is requested for the purchase of equipment.

APPLICATION 4: Corell Recycling

REQUEST: \$194,749

Applicant: Bill Lawrie, Manager Steve Corell, Owner

The applicant is proposing to expand existing concrete and asphalt recycling operations in Polk and portions of Dallas and Warren Counties. Concrete and asphalt are processed into an aggregate for use as fill materials, base or cover material in new construction or

reconstruction projects. The applicant is located in the City of Des Moines, Polk County and is seeking financial assistance for the purchase of additional processing equipment and salaries.

APPLICATION 5: Eastern Iowa Recyclers, Inc.

REQUEST: \$54,500

Applicant: Gary Brown, Jr., Vice President

The applicant is proposing to establish a scrap tire recycling facility for the production of TDF. The applicant is located in the City of Muscatine, Muscatine County. Financial assistance is requested for the purchase of equipment and building remodeling.

Ms. Hay reviewed the loan program and applications received.

Clark Yeager asked if the department will be secured on these loans.

Ms. Hay stated that staff will file with UCC, as they normally do for these loans.

Rozanne King inquired as to where the money comes from for the loan program in comparison to the grant program.

Ms. Hay indicated that the money for both programs come from the Solid Waste Tonnage Fees and that only \$700,000 is available for the loan program. She related that the only monies the program will receive is the repayment of the loans and interest earned.

INFORMATIONAL ONLY

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

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IOWA DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION RULEMAKING STATUS REPORT February 1, 1995

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	FINAL SUMMARY TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULES REVIEW COMMITTEE	RULE EFFECTIVE
1. Ch. 20, 22, and 25 - Air Quality	2/20/95	*3/15/95	*4/10/95	*4/ /95	*5/22/95	*5/22/95	*6/21/95	*7/11/95	*7/26/95
2. Ch. 22 - Air Quality Construction Permits	11/21/94	12/21/94	1/19/95	1/23/95	*3/20/95	*3/20/95	*4/12/95	*5/08/95	*5/17/95
3. Ch. 22 - Air Quality Operation Permits		E M E R G E N C Y			2/20/95	*2/20/95	*3/15/95	*4/10/95	*2/24/95
4. Ch. 23 - Open Burning	6/20/94	7/20/94	8/09/94	8/22/94	*3/20/95	*3/20/95	*4/12/95	*5/08/95	*5/17/95
				*3/07/95 *3/08/95 *3/09/95 *3/10/95					
6. Ch. 61 - Stream Use Classification	1/17/95	2/15/95	*3/14/95		*4/17/95	*4/17/95	*5/10/95	*6/05/95	*6/14/95
7. Ch. 112- Infectious Waste	*3/20/95	*4/12/95	*5/08/95	*5/ /95	*6/20/95	*6/20/95	*7/19/95	*8/14/95	*8/23/95
8. Ch. 117 - Waste Tire Collection and Processing	*3/20/95	*4/12/95	*5/08/95	*5/ /95	*6/20/95	*6/20/95	*7/19/95	*8/14/95	*8/23/95
7. Ch. 145 - Household Batteries	11/21/94	12/21/94	1/19/95	1/11/95	*3/20/95	*3/20/95	*4/12/95	*5/08/95	*5/17/95
* Projected									

MONTHLY VARIANCE REPORT						
Month: January, 1995						
No.	Facility	Program	Engineer	Subject	Decision	Date
1.	Sauer-Sundstrand - Ames	Air Quality		Permit Requirements	Denied	01/09/95
2.	City of Goldfield	Air Quality		Separation Distance	Approved	01/11/95
3.	City of Creston	Wastewater Construction	Veenstra & Kimm, Inc.	Sludge Holding Tank-Aeration & Mixing	Approved	01/13/95
4.	Woodbury County - North Fork Little Sioux River Bridge	Flood Plain	HGM Associates, Inc.	Freeboard	Approved	01/09/95
5.	City of Boyden/Dethmers Manufacturing	Wastewater Operation		Monitoring Frequency	Approved	01/03/95
6.	The Dexter Company - Fairfield	Solid Waste		Permit Exemptions	Approved	01/03/95
7.	Cargill, Inc. - Gypsum & Fly Ash Landfills - Mahaska County	Solid Waste	Green Environmental Services, Inc.	Gas Control	Approved	01/10/95
8.	Grain Processing Corporation IW Landfill - Louisa County	Solid Waste	Howard R. Green Co.	Groundwater Monitoring-(# Soil Borings)	Approved	01/10/95
9.	Grain Processing Corporation IW Landfill - Louisa County	Solid Waste	Howard R. Green Co.	Groundwater Monitoring-(Maximum spacing of downgradient water table)	Denied	01/10/95
10.	Cedar Falls Utilities Leversee Road Ash Disposal Site - Blackhawk County	Solid Waste	Howard Scott Byram, P.E.	Certified Operator	Denied	01/17/95
11.	Iowa Army Ammunition Plant CCR Landfill - Des Moines County	Solid Waste	Leon D. Baxter, Chief Engineer	Gas Control	Approved	01/31/95

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Report of Hazardous Conditions

During the period January 1, 1995, through January 31, 1995, reports of 48 hazardous conditions were forwarded to the central office. Two incidents are highlighted below. A general summary and count by field office is attached. This does not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Material, Amount, Cause, Location & Impact	Responsible Party	Response
01/03/95 Chickasaw	4000 gallons of 28% nitrogen was spilled because a sight gauge broke on an aboveground storage tank. The spill occurred in New Hampton. No impacts to groundwater or surface water were observed.	Cedar Valley Farm Service 1930 McCloud Avenue New Hampton, IA	Most of the product was contained within a secondary containment structure. Trenches were dug to contain free product. Contaminated soil will be excavated and land applied.
01/17/95 Grundy	A transformer overheated causing 9 gallons of oil to spill on snow and gravel at the base of the pole. The incident occurred in Reinbeck. The PCB concentration was less than 50 ppm. No impacts to the environment were observed.	Cornbelt Power Coop. Box 508 Humboldt, IA	The contaminated snow and rock was collected in drums and properly disposed. The transformer and concrete pad were decontaminated with a solvent.

Substance					Mode					
Month	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
October	51(56)	38(37)	3(6)	10(13)	32(34)	0(0)	16(20)	0(0)	0(0)	10(2)
November	54(52)	24(34)	7(3)	23(15)	29(30)	0(3)	22(14)	3(0)	0(1)	0(4)
December	52(41)	27(30)	2(2)	23(9)	38(23)	1(0)	12(14)	0(2)	0(0)	1(2)
January	48(67)	29(47)	7(3)	12(14)	31(38)	0(1)	14(23)	1(2)	1(2)	1(1)
February										
March										
April										
May										
June										
July										
August										
September										

Total Number of Incidents Per Field Office This Period:

(numbers in parentheses for the same period in fiscal year '94)

1	2	3	4	5	6
8	9	5	2	12	12

REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of January 1, 1995 through January 31, 1995, the following number of releases from underground storage tanks were identified.

32 (41)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1994.

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Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Wunschel Oil Co.; Vernus, Jaquelyn & Mark Wunschel, Ida Grove (3)	Underground Tank	Site Assessment	Referred to AG	1/17/95
Ida County Board of Supervisors, Ida Co. (3)	Solid Waste	Permit Conditions	Referred to AG	1/17/95
Ron Mumby, Iowa Co. (6)	Solid Waste	Illegal Disposal	Order/Penalty \$2,000	1/19/95
North Coralville Lake Manor, Solon (6)	Drinking Water	MCL-Bacteria;	Order/Penalty \$450	1/19/95
Curry Environmental Services, Dubuque (1)	Air Quality	Asbestos	Order/Penalty \$6,000	1/19/95
Lloyd Dalsing, Dubuque (1)	Air Quality	Asbestos	Order/Penalty \$5,000	1/19/95
Dennis Sharkey d/b/a Sharkey's Building Wrecking Contractor, Dubuque (1)	Air Quality	Asbestos	Order/Penalty \$6,000	1/19/95
Swiss Valley Farms Dubuque (1)	Air Quality	Asbestos	Order/Penalty \$5,000	1/19/95
Woden-Crystal Lake Community School District, Crystal Lake (2)	Air Quality	Asbestos	Order/Penalty \$10,000	1/19/95
Sale-R-Villa Construction, Crystal Lake (2)	Air Quality	Asbestos	Order/Penalty \$10,000	1/19/95
Michael J. Reding, Kossuth Co. (2)	Wastewater	Prohibited Discharge	Order/Penalty \$4,500	1/24/95
Knollridge Garden Apartments, Iowa City (6)	Drinking Water	MCL-Bacteria; Public Notice	Order	1/25/95
HWH Corporation, Moscow (6)	Drinking Water	MCL-Bacteria	Order	1/27/95
Irvin Leichty, Henry Co. (6)	Wastewater	Prohibited Discharge	Order/Penalty \$2,500	1/27/95

Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Don Grell d/b/a Dodger Enterprise (Ft. Dodge)	AQ	10,000	2-16-93
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Franklin Raymond (Pacific Junction)	UT	300	7-07-93
Eddie Hemmer (Jones County)	AQ/SW	600	8-01-93
*Delano's Lounge (Washington)	WS	425	9-01-93
Melvin Foubert d/b/a Mel's Repair Service (What Cheer)	UT	400	12-13-93
Richard Waugh d/b/a Dick's Apco Car Wash (Hampton)	UT	885	12-13-93
Stan Simmer d/b/a Tire City (Des Moines)	UT	600	12-21-93
*63-80 Cafe (Moore Oil Co.) (Malcom)	WS	200	1-20-93
William Hatch d/b/a R & R Convenience Store (Central City)	UT	2,480	2-28-93
K-Service, Inc.; Kirkendall Enterprises, et.al. (Sloan)	UT	1,440	2-28-94
Kurt & Mary Marzofka; John & Shirley Riordan (Sabula)	UT	500	3-31-94
Ida Grove Farm Supply Co. d/b/a Double Circle Farm Supply Co. (Galva)	UT	2,300	5-15-94
Leland Koster and Jim Koster (Alexander)	UT	350	6-11-94
Dennis Malone & Joanne Malone (Morning Sun)	UT	600	6-16-94
*Home Asbestos & Lead Abatement Services (Johnston)	AQ	350	7-02-94
King Transfer, Ltd.; George B. King (Onawa)	UT	2,400	7-20-94
Central Water Works (Fort Dodge)	WS	275	8-21-94
Blanchard, City of	WS	275	8-22-94
Crawford Flats, Ltd. (Denison)	WS	275	8-25-94
Pacific Junction, City of	WS	1,000	8-27-94
Birmingham, City of	WS	550	8-28-94
Dakota Mobile Home Park (Iowa City)	WS	550	8-28-94
Holland, City of	WS	550	8-28-94
Denmark Municipal Water Supply (Denmark)	WS	550	8-28-94
Hide-A-Way Manor (Cedar Rapids)	WS	275	8-28-94
*Terry Beaird d/b/a Curry Environ. Services (Marion)	AQ	1,000	9-01-94
Coralville Lake Terrace Assn. (North Liberty)	WS	550	9-01-94
Ledges Water District (Boone)	WS	275	9-02-94

*Payment Schedule

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Midway Water & Lighting (Marion)	WS	550	9-08-94
The Marley Pump Co. (Davenport)	WS	125	9-13-94
RHCL School (Luxemberg)	WS	125	9-14-94
Kalo Well Company (Otho)	WS	110	9-14-94
Willey, City of	WS	110	9-14-94
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
Verde Water Company-Table Mound #1-Well #1 (Dubuque)	WS	900	9-19-94
Trout Valley 2nd Addition (Bettendorf)	WS	125	9-19-94
Orrie's Supper Club, Inc. (Hudson)	WS	275	9-19-94
Kilpeck Mobile Home Park (Muscatine)	WS	275	9-23-94
Immanuel Lutheran Church and School (Readlyn)	WS	275	9-23-94
Sunshine Homes, Inc. (Atlantic)	WS	275	9-25-94
Scenic View Estates (Decorah)	WS	275	9-25-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Yarmouth Elementary School (Mediapolis)	WS	375	10-12-94
Batavia, City of	WS	650	10-17-94
Geils Oil Company; Lawrence P. Geils (Donnelson)	UT	3,200	10-18-94
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	10-22-94
Western Hills Light and Water (Algona)	WS	100	10-24-94
Oxford, City of	WS	100	10-25-94
Pioneer, City of	WS	100	10-26-94
Paul L. Dunkel (Delaware Co.)	SW	1,500	11-09-94
*Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	250	11-15-94
DBM, Inc. (Cedar Falls)	WW	10,000	11-30-94
Donald K. Schmidt (Cedar Rapids)	UT	3,000	12-27-94
Collier Oil Co.; Clark Concrete Co. (Onawa)	UT	3,300	1-22-95
*Waste Management & Design, Inc. (Webster City)	WW	6,580	2-10-95
Sherman Place Water & Roads, Inc. (Decorah)	WS	650	2-15-94
Rome, City of	WW	350	2-23-95
*Fine Oil Co.; John and Diane Fine (Appanoose Co.)	AQ/HC/WW	2,000	2-23-95
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
North Coralville Lake Manor (Solon)	WS	450	3-26-95
Michael J. Redding (Kossuth Co.)	WW	4,500	3-26-95
Sale-R-Villa Const., Inc. (Perry)	AQ	10,000	3-26-95
Woden-Crystal Lake Comm. School District (Crystal Lake)	AQ	10,000	3-26-95
Swiss Valley Farms (Dubuque)	AQ	5,000	3-27-95
Curry Environmental Services (Dubuque)	AQ	6,000	3-27-95
Edward Bodensteiner (Des Moines)	UT	3,200	-----
Plantation Village Mobile Home Park (Burlington)	WW	1,000	-----
William R. Hennessey & Son, Inc. (Cedar Rapids)	UT	2,670	-----
Ron Mumby (Iowa Co.)	SW	2,000	-----
Dennis Sharkey d/b/a Sharkey Bldg. Wrecking (Dubuque)	AQ	6,000	-----
Lloyd Dalsing (Dubuque)	AQ	5,000	-----
Irvin Leichty (Henry County)	WW	2,500	-----
Galva, City of	WS	1,000	-----
TOTAL		135,820	

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Gerald G. Pregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Fred Varnier (Worth Co.)	SW	950	4-11-91
Honey Creek Camping Resort (Crescent)	WS	245	6-13-91
F.R. Thomas/F.R. Thomas, Jr. d/b/a Clair View Acres Store (Delhi)	WS	1,000	8-04-91
*M & W Mobile Home Park (Muscatine)	WW	200	8-21-91
Vern Starling (Boone Co.)	SW	440	9-15-91
Lloyd Dunton (Iowa Co.)	SW	300	11-07-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Kenneth Bode (Mills Co.)	SW	300	4-27-92
V.R. Dillingham d/b/a Barb's Service (Everly)	UT	600	5-21-92
Tandem Oak Park Associates (Ft. Dodge)	WS	405	6-03-92
Dick White (Washington County)	AQ	250	8-15-92
Rankin Roofing & Siding Co. (Knoxville)	AQ	500	11-09-92
Tony Hoyt d/b/a Lake Wilderness (Lee Co.)	SW	1,000	1-23-93
Bernard Gavin Veterinary Clinic (Wellsburg)	UT	600	5-02-92
Tim Sharp (Newton)	UT	1,000	1-25-93
Jack Link Truck Line, Inc. (Dyersville)	UT	300	1-25-93
David Young d/b/a Sierp Oil Co. (Casey)	UT	300	2-10-93
Carson Grain & Implement (Coggon)	UT	1,000	8-03-92
Robert Bodwell (Winterset)	UT	300	7-07-93
Louis Saak d/b/a Saak Oil Co. (Baxter)	UT	1,560	12-25-93
Smith Oil Co.; Franklin Smith (Mt. Ayr)	UT	600	3-31-94
Jay Browns d/b/a Browns Service (Murray)	UT	1,272	4-04-94
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Economy Solar Corp. (Monticello)	AQ	100	6-01-94
Buffalo Bill Estates, Inc. (Clinton Co.)	WS	1,000	6-18-94
McCarty Homeowners Assn. (LeClaire)	WS	275	8-20-94
Rayburn Court for Mobile Homes (Mason City)	WS	375	9-29-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Wunschel Oil, et.al. (Battle Creek)	UT	6,400	11-08-94

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Sioux City, City of	WW	1,000
Des Moines, City of	HC	1,000
Van Dusen Airport Services (Des Moines)	HC	1,000
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
McDowell Dam #1 (Lee Co.)	FP	500
Hickory Hollow Water Co. (Ankeny)	WS	400
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
John Staub d/b/a Mr. Convenient (Burlington)	UT	600
Charles Kerr (Sloan)	UT	600
Stringtown Country Cafe (Lenox)	WS	1,000
Lincoln Farm and Home Service (Henderson)	WW	1,000
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
LaVerne Rehder (Union)	UT	300
Randy Bonin/Vickie Brannick (Hardin Co.)	SW	500
Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT	300
Decatur, City of	UT	600
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Lloyd Decker (Floyd Co.)	SW	1,000
Eldon Krambeck (Scott Co.)	AQ	1,000
Waucoma, City of	WS	200
Tracy Below (Hardin Co.)	WW	1,000
Grand Laboratories, Inc. (Larchwood)	WW	1,000
Frank Hulshizer (Benton Co.)	SW	500
Chicago/Northwestern Transp. Co. (Council Bluffs)	HC	1,000
Pirelli Armstrong Tire Corp. (Polk Co.)	SW	1,000
TRS Industries, Inc.; City of Des Moines (Des Moines)	SW	3,000
Land Renu, Inc. (Rockwell City)	SW	1,000
LeMars, City of	WW	5,000
Phil McMains (Appanoose Co.)	SW	4,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Donald Udell (Plymouth Co.)	SW	1,000
Daisy H. Gridley Conservatorship, et.al. (Union Co.)	SW	1,000
Mel-Ray Mobile Home Park (Ankeny)	WW	500
Thomas L. Burt, et. al. (Butler Co.)	SW	1,000
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
U.S. Dept. of Defense (Sioux City)	UT	5,720
Blue Spruce Feedlots, Inc. (Pottawattamie Co.)	WW	5,000
Valley Restaurant/Sierp Oil/Mary & Carl Sierp (Villisca)	UT	5,000
Valley Restaurant/Sierp Oil/Robert Radford (Villisca)	UT	2,300
Orlo Stewart, et.al. (Webster Co.)	SW	1,000
Porcine-New Way Co.	WW	4,000
J.P. Scherrman, Inc. (Farley)	UT	1,160
Walnut Grove Water Company (Davenport)	WS	2,000
Lester D. Davis & Evelyn McKelvogue (Warren Co.)	AQ/SW	5,000
Waverly Gravel & Ready-Mix aka Shell Rock Sand & Gravel (Shell Rock)	AQ	3,000
Anderson Excavating & Wrecking Co. (Waterloo)	AQ	1,000
Farmers Hybrid Companies, Inc. (Keokuk Co.)	WW	4,500
L.F. & Betty Everett; Vern Barker & Donald Knotts, d/b/a Barker & Knotts Construction; and Gene Philips (Ottumwa)	AQ	10,000
Eli Shada (Anamosa)	UT	1,328
James and Robert Brock d/b/a B & B Oil (Ringsted)	UT	1,685
M and D Tire Processing, Inc. (Decatur Co.)	SW	10,000
Merrill, City of	AQ	5,000
Harold Lee (Keokuk Co.)	WW	3,300
Riverside Plating Company (Shell Rock)	WW	1,500
Economy Solar Corp. (Monticello)	AQ	5,000
Toys "R" Us, Inc. (Davenport)	UT	5,560
Coastal Mart, Inc.-Store #1081 (Davenport)	UT	5,320
John Deere Company (Waterloo)	AQ	1,000
Woodburn, City of	WS	550
Enviro Safe Air, Inc. (Sioux City)	AQ	2,000
Parkwest, Ltd.; Wilbur Numelin; Ricky Lee Anderson (Clear Lake)	UT	2,280
Country Stores of Carroll, Ltd.; Roger Kanne (Carroll)	UT	10,000
Elite, Ltd.; Roger Kanne; James Pietig (Coon Rapids)	UT	3,500
Elite, Ltd.; Roger Kanne; James Pietig (Logan)	UT	3,288
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000
Arlo Becker d/b/a Becker's Auto Salvage (Benton Co.)	AQ	3,000
Galva Union Elevator Co. (Galva)	UT	3,100
Farmers Hybrid Companies, Inc. (Hamilton Co.)	WW	5,000
Sara Lee Corporation (New Hampton)	WW	10,000

*Payment Schedule

Creston, City of	WW	1,000
New Hampton, City of	WW	10,000
Joseph L. Ranker; Daryl Hollingsworth (Indianola)	UT	4,000
Larry and Kelly Miller (Ogden)	UT	2,000
K-Mart Corporation/Store #7261 (Des Moines)	UT	6,000
R.D.J. Farms; Donald Vogt (Van Horne)	UT	1,300
Home Oil Stations; Otto-Matic; Larence Otto (Burlington)	UT	3,000
Winfield S. McKinney; Gary L. McKinney (Union Co.)	WW	1,000
Pella Construction Co., Ltd. (Pella)	WW	10,000
Tom Wiseman (Sheffield)	UT	3,500
Woodlyn Hills (Algona)	WS	275
Lakewood Utilities (Ft. Dodge)	WS	550
Village Oaks Homeowners Assn. (Blue Grass)	WS	550
South High Point Well Assn. #2 (Iowa City)	WS	110
Louis Rich Company (Sigourney)	WS	500
Pleasant Creek Estates Assn. (Shellsburg)	WS	275
Kessler's Homeowners Assn. (Iowa City)	WS	275
Iowa City Regency Mobile Home Park (Iowa City)	WS	1,000
Woodburn, City of	WS	550
Cherry Hills Homeowners Assn. (Iowa City)	WS	275
Edinburgh Manor (Anamosa)	WS	200
Windy Ridge Well Assn. (Lisbon)	WS	110
Karl and Thelma Boylan d/b/a Boylan's Service (Northboro)	UT	1,800
Thomas M. Scheetz d/b/a The Depot Food N' Fuel (Oxford)	UT	2,300
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300
Riverview Estates (Iowa City)	WS	275
Crabtree Lake Resort (Rhodes)	WW	5,400
Elmer R. Faust d/b/a Faust Garage & Grocery (Delaware)	UT	2,300
Rome, City of	WS	550
American Coals Corporation-Site #5 (Bussey)	SW/AQ	10,000
H.E.W., Inc. a/k/a Hazardous Environmental Wastes, Inc., a/k/a Algona Roofing & Insulation, Inc. (Algona)	AQ	5,000
Bankston, City of	WS	550
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
David Schultz (Clayton Co.)	WW	2,000
Burke Marketing Corporation (Nevada)	WW	5,000
Chicago & North Western Transportation Co. (Clay Co.)	WW/SW	10,000
Jim Foust (Indianola)	SW	2,175
Titan Wheel International, Inc. (Walcott)	WW	10,000
Ronald Sizemore and Mark Murphy (Eldora)	UT	3,200
First United Methodist Church (Ft. Madison)	AQ	10,000
Mike Murphy d/b/a Hawley Heating & Air (Keokuk)	AQ	10,000
Boomsma's Egg, Inc. (Alden/Galt)	AQ	10,000
Boomsma's, Inc. (Alden)	WW	2,500
A.J. DeCoster (Wright Co.)	AQ	1,000
A.J. DeCoster (Wright Co.)	WW	2,500
George Dolan (Northwood)	UT	3,300
Chuck Widner, Jr. d/b/a E.D.O., Inc. (Glidden)	AQ	2,000
Woodbury County Highway Department (Woodbury Co.)	UT	4,000
Keith Owens and Howard Maurer (Wilton)	UT	3,100
Eagle Lane Corporation (Blue Grass)	WS	275
Twin View Heights (Solon)	WS	500
Tom Babinat d/b/a Tom's Car Care (Grundy Center)	UT	3,600
Welch Oil, Inc. (Williams)	UT	10,000
Richard Beckett (Villisca)	UT	1,300
Bork Transport, Inc. (Des Moines)	UT	1,000
Gilmore City-Bradgate Comm. School Dist. (Gilmore City)	AQ	6,000
Henry and Randy Krohn d/b/a Krohn Const. (Waukee)	AQ/SW	4,000
James and Roxann Neneman: J & R Mini Mart (Council Bluffs)	UT	3,900
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Hubert Vote d/b/a Vote House Moving (Gilmore City)	AQ	6,000
Allan Brandhoij d/b/a Brandhoij Const. (Gilmore City)	AQ	6,000
TOTAL		391,886

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Honan Holdings USA, Inc./Manildra Energy (Hamburg)	WW	500
Pettengill Concrete and Gravel, Inc. (Rock Rapids)	FP	1,000
Rolling Hills Mobile Home Park (Nevada)	WW	500
Dickens, City of	WS	200
*Waste Management & Design, Inc. (Webster City)	WW	720
*Fine Oil Co.; John and Diane Fine (Appanoose Co.)	AQ/HC/WW	500
American Demolition of Iowa (Cedar Rapids)	AQ	6,810
TOTAL		10,230

*Payment Schedule

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Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
AMPC Lytton (3)	Wastewater	Operational Violations	Referred to Attorney General	Referred	8/10/94
Achenbach, Mark Rockford (2)	Underground Tank	Site Assessment	Order	Referred Petition Filed	6/20/94 8/22/94
Advanced Technologies Corp. Cedar Falls (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/21/94 8/29/94
American Asbestos Training Center, Ltd. Monticello (3)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/21/94 8/29/94
American Asbestos Training Center, Ltd. Cedar Rapids (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	7/22/94 8/29/94
American Demolition Corp. Cedar Rapids (1)	Updated Air Quality	Asbestos	Order/Penalty	Referred Motion for Judgment Admin. Penalty Paid (\$6,000/+\$810 Interest)	10/17/94 12/21/94 1/30/95
Ampel Corporation Des Moines (5)	Air Quality	Construction Without Permit Permit Conditions	Referred to Attorney General	Referred Petition Filed Motion for Partial Summary Judgment DNR Motion to Disqualify Attorney Hearing Ruling/Defense Attorney Disqualified Trial Date	12/20/93 2/21/94 9/02/94 10/18/94 11/18/94 12/06/94 3/20/95
Bodwell, Robert Winterset (5)	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed	2/21/94 7/21/94
Brokaw, Ray d/b/a The Heights Monticello (1)	Updated Drinking Water	Monitoring/Reporting- Bacteria; Public Notice	Order/Penalty	Referred Motion for Judgment \$500 Admin. Penalty Paid Dismissal	9/19/94 10/27/94 12/1/94 1/05/95
Browns, Jay Murray (5)	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed Trial Date	6/20/94 8/24/94 4/11/95
Buffalo Bill Estates Clinton Co. (6)	Drinking Water	Monitoring/Reporting MCL - Bacteria	Order/Penalty	Referred Petition Filed	8/15/94 11/16/94
Chicago & Northwestern Transportation Co. Blue Chip Enterprises Hawkeye Land Company Iowa Falls (2)	Hazardous Condition	Remedial Action	Order	Petition for Judicial Review Petition for Judicial Review Petition for Judicial Review Order/Change Venue to Hardin Co. Oral Arguments Order Affirmed Supreme Court Appeals Filed Oral Arguments	8/19/91 8/14/91 9/16/91 11/21/91 3/10/93 4/23/93 5/23/93 9/15/94
Cota Industries, Inc. Des Moines (5)	Updated Hazardous Condition	Remedial Action	Order	Referred Petition for Judicial Review Order Granting Motion to Dismiss Notice of Appeal Affirmed by Supreme Court Petition Filed Motion for Default Judgment Motion for Summary Judgment Hearing on Motions	4/15/91 4/18/91 7/23/91 8/13/91 10/21/92 4/16/93 12/02/94 12/02/94 1/06/95
Des Moines, City of (5) v. IDNR	Solid Waste	DNR Defendant	Defense	Petition Filed Application for Stay DNR Answer	1/18/94 1/18/94 2/08/94
Dunton, Lloyd Iowa County (6)	Solid Waste	Illegal Disp.	Order/Penalty	Referred Petition Filed	12/16/91 8/26/92

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Name, Location and Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
Economy Solar Corp. Ft. Madison (6)		Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/21/94 8/29/94
Economy Solar Corp. Waterloo (1)		Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/21/94 8/29/94
Economy Solar Corp. Cedar Rapids (1)		Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	7/22/94 8/29/94
Ervin, Don Webster County (2)	Updated	Solid Waste	Operation Without Permit	Order/Penalty	Referred Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 7/13/90 9/28/90 11/27/90 11/30/90
			Permit Violations	Referred to Attorney General	Referred Temporary Injunction Order of Contempt Order Granting Stay Contempt Reversed (Court of Appeals) Application for Further Review Supreme Ct. Reversed Ct of Appeals Order to Serve Sentence Application for Hearing Order Denying Reconsideration of Sentence Partial Consent Decree Trial Date	9/16/91 9/18/91 12/20/91 12/26/91 9/29/92 10/16/92 2/17/93 3/17/93 3/18/93 3/19/93 1/10/95 3/17/95
Giese, William Giese Construction Co. Ft. Dodge (2)		Flood Plain Wastewater	Unauth. Construction Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	7/18/94 10/12/94
Harrison County Board of Supervisors (4)		Solid Waste	Operating Violations	Referred to Attorney General	Referred Petition Filed	2/21/94 7/11/94
Huyser, James; Trust Trucking Lovilia (5)		Underground Tank	Site Assessment	Referred to Attorney General	Referred	11/21/94
Ida County Board of Supervisors Ida County (3)	New	Solid Waste	Permit Conditions	Referred to Attorney General	Referred	1/17/95
International Hydroform Pella (5)		Underground Tank	Remedial Action	Order	Referred Petition Filed Trial Continued	5/17/93 1/18/94
Jack Link Truck Line, Inc. Dyersville (1)		Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed Trial Continued	5/17/93 1/07/94
Jarvis, Marjorie and Terry Strong Council Bluffs (4)		Underground Tank	Closure Investigation	Order	Referred Petition Filed	11/15/93 2/14/94
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)		Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94
McCarty Creek Homeowners LeClaire (6)		Drinking Water	Monitoring/Reporting- Lead & Copper	Order/Penalty	Referred	10/17/94
Bob McKiniss Excavating & Grading v. IDNR		Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Motion to Dismiss Ruling on Motion to Dismiss and Bifurcation Ruling on Phase I Trial	3/12/91 5/01/91 3/26/92 9/01/93
Moore, Ron d/b/a 63-180 Cafe Malcom (5)		Drinking Water	Mtrg/Rprtng Nitrate; Other	Order/Penalty	Referred Payment Schedule (\$1,000/Admin.) Motion for Judgment	11/16/92 4/02/93 6/30/94

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Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Northwood Cooperative Elevator, Updated	Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Answer Consolidation Order 215.1 Order	12/07/92 12/28/92 1/05/93 12/22/94
Worth Co. Co-op Oil				Suit Filed DNR Answer Consolidation Order 215.1 Order	12/07/93 12/28/92 3/10/93 12/22/94
Amoco				Suit Filed DNR Answer Consolidation Order 215.1 Order	12/15/92 1/04/93 3/10/93 12/22/94
v. IDNR					
Rayburn Court for Mobile Homes Mason City (2)	Drinking Water	Monitoring/Reporting; Lead & Copper	Order/Penalty	Referred	11/21/94
Reed, Verna and Don; Andrea Silsby Union Co. (4)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Default Judgment	6/20/94 8/10/94 12/12/94
Relative, Inc.; Doug Smuck Des Moines (5)	Underground Tank	Insurance Violation	Order/Penalty	Referred	10/17/94
Pruess, Harlan Cedar Co. (6)	Hazardous Condition	Clean-Up Costs	Defense	Suit Filed DNR Answer	7/27/93 8/13/93
Saak, Louis d/b/a Saak Oil Co. Baxter (5)	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed	3/21/94 9/08/94
Smith, Franklin; Smith Oil Company Mt. Ayr (5)	Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed Trial Date	4/18/94 7/25/94 5/16/95
Soldat, Mark S. Kossuth Co. (2) vs. IDNR	Updated Wastewater	DNR Defendant	Defense	Suit Filed Petitioner's Motion for Partial Summary Judgment Answer Hearing Date Ruling Order Implementing Ruling Motion Raising Jurisdiction Question Petition for Certiorari	9/16/94 10/06/94 10/20/94 10/31/94 11/03/94 12/23/94 1/20/95 1/23/95
Troutman, Jerry L. & Richard Van Buren Co. (6)	Solid Waste	Illegal Disposal	Order	Referred Petition Filed	10/18/93 2/15/94
Waterloo, City of (1)	Updated Wastewater	Discharge Limits	Referred to Attorney General	Referred Petition Filed Motion for Partial Summary Judgment Trial Date	11/15/93 12/30/93 1/27/95 3/13/95
Waterloo Community School District Waterloo (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/21/94 8/29/94
Wunschel Oil Co.; Vernus, Jaquellyn & Mark Wunschel Ida Grove (3)	New Tank	Underground Site Assessment	Order/Penalty	Referred	1/17/95
Young, David Sierp Oil Company Casey (5)	Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed	5/17/93 12/14/93

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Oelwein Soil Service	Administrative Order	WW	Murphy	Hearing continued; additional testing being done.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Wornson	Awaiting revised SCR.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Murphy	Ruling on dismissal/intervention 11/16/92. Petition for Judicial Review. Judicial review hearing continued.
6-08-89	Shaver Road Investments	Site Registry	HW	Murphy	Settlement proposed.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Murphy	Settlement proposed.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Murphy	District court affirms Dept. - 4/23/93. Appealed to Iowa Supreme Court. Arguments - 9/15/94.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Murphy	Settlement near.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations.
4-23-90	Sioux City, City of	Administrative Order	WW	Hansen	1/95 - Settled.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed.
5-14-90	Van Dusen Airport Services	Administrative Order	HC	-----	Compliance initiated.
5-14-90	Alter Trading Corp. (Council Bluffs)	Administrative Order	SW	Kennedy	Negotiating before filing.
5-15-90	Des Moines, City of	Administrative Order	HC	-----	Hearing continued. Settlement proposed.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up meeting to be held.
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; & Howard Pixler	Site Registry	HW	-----	Decision appealed (Pixler).
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing continued.
9-12-90	Michael & Joyce Haws; George H. Gronau	Administrative Order	UT	Wornson	New party has assumed liability. Will dismiss case upon completion of SCR.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Wornson	Settlement letter sent to attorney.
10-18-90	Harlan Pruess	Claim	HC	Murphy	Proposed decision - 2/18/93. Appealed to EPC. Affirmed/modified - 6/21/93. Appealed to Cedar County District Court.
12-03-90	United States Gypsum Co. Smitty's Oil	Site Registry	HC	Preziosi	Negotiating before filing.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SW	Kennedy	Hearing continued.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SW	Kennedy	Hearing continued to further order.
1-09-91	Iowa Southern Utilities	Administrative Order	HC	Preziosi	Hearing continued indefinitely. Working towards settlement.
1-28-91	McDowell Dam #1	Administrative Order	FP	Clark	Negotiating before filing.
5-20-91	Great Rivers Coop--Lockridge	Site Registry	HC	Murphy	Settlement proposed.

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
7-24-91	Alter Trading Corp. (Davenport)	Administrative Order	SW	Kennedy	Negotiating before filing.
9-25-91	Archer Daniels Midland	Administrative Order	SW	Kennedy	Negotiating before filing.
1-17-92	Hickory Hollow Water Co.	Administrative Order	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept. response on 8/3/93. Facility response 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued for fluoride removal. Facility to be installed by 10/30/94.
1-30-92	Center Oil Co., Inc.	Administrative Order	HC	Murphy	Negotiating before filing.
4-09-92	Wayne Transports, Inc.	Administrative Order	WW	Murphy	Negotiating before filing.
4-15-92	Mulgrew Oil Co.	Administrative Order	HC	Wornson	Settlement letter sent 8/31/94. SCR initiated.
4-24-92	Charles A. Kerr	Administrative Order	UT	Wornson	Financial inability claimed. Warning letter sent 1/25/95.
5-05-92	Plymouth Cooperative Oil Co.	Administrative Order	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-15-92	Heartland Lysine, Inc.	Tax Certification	AQ	Preziosi	Negotiating before filing.
5-27-92	Beckett Chevrolet-Olds	Administrative Order	UT	Wornson	Financial inability claimed. Claimant completing financial documents.
6-23-92	Chickasaw County Board of Supervisors, Chickasaw Co. SLF	Administrative Order	SW	Kennedy	Negotiating before filing.
8-06-92	Randy Bonin and Vickie Brannick	Administrative Order	SW	Kennedy	Negotiating before filing.
8-24-92	Dean Hoeness d/b/a Hoeness & Sons	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
9-21-92	ITWC	Administrative Order	AQ	Preziosi	Negotiating before filing.
9-22-92	King's Terrace MHP	Administrative Order	WW	Hansen	8/94-Letter to facility regarding resolution of appeal.
10-06-92	Lloyd Decker	Administrative Order	SW	Kennedy	Hearing set for 4/11/95.
10-12-92	Eldon Krambeck	Administrative Order	AQ	Preziosi	Settlement close.
11-13-92	Tracy Below	Administrative Order	WW	Clark	Hearing continued.
11-16-92	Grand Laboratories Inc.	Administrative Order	WW	Hansen	Unacceptable revised work plan submitted. Request acceptable plan by 4/29/94. Letter from facility's attorney 4/94. 5/94 letter to F.O. 3 from company regarding submittal of site assessment. 10/94 letter to facility attorney regarding site assessment. 12/94 letter from attorney - new work plan submitted to F.O. 3.
11-16-92	Frank Hulshizer	Administrative Order	SW	Kennedy	Negotiating before filing.
12-14-92	Quantum	Permit Conditions	WW	Hansen	3/30/93 Dept. settlement offer made. 5/03/93 - response from company. Company collecting data. Company response submitted 12/93. EPD to review information regarding permit calculations.
1-22-93	Pirelli Armstrong Tire Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
2-19-93	TRS Industries, Inc.; City of Des Moines	Administrative Order	SW	Kennedy	Decision received 9/13/93. Appealed to EPC. Affirmed 12/20/93. Petition for judicial review.
3/09-93	James, William d/b/a Bill James Agencies	Administrative Order	SW	Kennedy	Negotiating before filing.

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3/11/93	Land Renu, Inc.	Administrative Order	SW	Wornson	Compliance complete. Negotiating penalty.
4/05/93	Mapleton, City of	WW Operator Certification	WW	Hansen	Under review by EPD - letter drafted.
4/12/93	LeMars, City of	Administrative Order	WW	Hansen	Plan of action submitted. Reviewed by EPD. Construction permit issued. 2/94-Schedule submitted by City for remaining construction.
4/19/93	Council Bluffs, City of	Permit Conditions	WW	Hansen	Under review by EPD.
4/21/93	Donald Udell	Administrative Order	SW	Kennedy	Negotiating before filing.
4/26/93	Crane Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
5/23/93	Fellmer Motors	Administrative Order	FP	Clark	Settlement close.
6/21/93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing.
6/23/93	Clement Auto & Truck, Inc.	Administrative Order	UT	Wornson	On appeal to District Court. Compliance initiated.
6/29/93	Mel-Ray MHP and Sales	Administrative Order	WW	Clark	Negotiating before filing.
7/06/93 7/28/93	Dennis E. Good Berniece K. Nease	Administrative Order	UT	Wornson	Negotiating before filing.
7/09/93	Oakwood Park Water, Inc.	Administrative Order	WS	Hansen	Proposal by facility's attorney 7/13/93. Response by Dept. 8/3/93. Response by facility 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued 2/94. Facility to be installed by 11/30/94.
7/20/93	Valley Restaurant/Sierp Oil; Mary & Carl Wierp; and Robert Radford	Administrative Order	UT	Wornson	Settlement reached. Awaiting signatures.
7/20/93	U.S. Dept. of Defense	Administrative Order	UT	Wornson	Negotiating before filing.
7/23/93	Blue Spruce Feedlots, Inc.	Administrative Order	WW	Clark	Negotiating before filing.
8/03/93	Grain Processing Corp.	Administrative Order	AQ	Preziosi	Hearing set for 5/30/95.
8/06/93	Muscatine Power & Water	Administrative Order	AQ	Preziosi	Hearing set for 5/30/95.
8/06/93	Monsanto	Administrative Order	AQ	Preziosi	Settlement close. Drafting consent order.
8/24/93	Green Valley Chemical	Permit Conditions	WW	Hansen	Company to do stream survey 8/94. Survey completed. Meeting to discuss survey 9/11/94. Survey being reviewed by EPD.
9/09/93	Ames Transit Authority	Permit Conditions	AQ	Preziosi	Negotiating before filing.
10/15/93	Bedford, City of	Plant Classification	WW	Hansen	Under review by EPD.
10/25/93	Porcine-New Way Co.	Administrative Order	WW	Clark	Settlement close.
11/04/93	Silver City	Permit Conditions	WS	Clark	Negotiating before filing.
11/15/93	J.P. Scherrman, Inc.	Administrative Order	UT	Wornson	Penalty letter sent.
11/16/93	Iowa Southern Utilities	Permit Conditions	AQ	Preziosi	Settlement close.
11/22/93	Walnut Grove Water Co.	Administrative Order	WS	Hansen	Settlement offer sent to company's attorney. Offer accepted. Consent order sent for signatures. 5/94 order issued to facility. 11/7/94 contract entered into for funding of project to upgrade. 12/94 - Additional funding authorized by City - project ready to go.
12/13/93	Lester R. Davis and Evelyn McKelvogue	Administrative Order	AQ/SW	Kennedy	Settlement pending.

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12/23/93	Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/03/94	Farmers Hybrid Co., Inc.	Administrative Order	WW	Clark	Negotiating before filing.
1/06/94	L.F. Everett and Betty Everett	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/07/94	Eli Shada	Administrative Order	UT	Wornson	Negotiating before filing.
1/13/94	James and Robert Brock d/b/a B & B Oil Co.	Administrative Order	UT	Wornson	Settlement offer pending.
1/18/94	M & D Tire Processing, Inc.	Administrative Order	SW	Kennedy	Settlement pending.
1/18/94	Merrill, City of	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/19/94	Cottage Reserve Corp.	Permit Conditions	WS	Clark	Negotiating before filing.
1/20/94	Gene Phillips d/b/a Phillips Sanitation	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/27/94	Archer-Daniels-Midland	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2/02/94	John Deere Waterloo Works	Tax Certification	WW	Hansen	Negotiating before filing.
2/09/94	Harold Lee	Administrative Order	WW	Clark	Negotiating before filing.
2/14/94	Economy Solar Corp 94-AQ-04	Administrative Order	AQ	Preziosi	Proposed decision affirmed by EPC.
2/15/94	Riverside Plating	Administrative Order	WW	Hansen	Settlement offer received from company regarding penalty.
2/21/94	Toys "R" Us	Administrative Order	UT	Wornson	Compliance initiated. Penalty appealed.
2/25/94	John Deere Waterloo Works	Administrative Order	AQ	Preziosi	Settlement close.
2/28/94	Coastal Mart Davenport	Administrative Order	UT	Wornson	Deficient SCR. Letter sent. Penalty on appeal.
3/01/94	Parkwest Ltd.; Wilbur Numelin; Ricky Lee Anderson	Administrative Order	UT	Wornson	Hearing rescheduled for 2/7/95.
3/01/94	Enviro Safe Air, Inc.	Administrative Order	AQ	Preziosi	Settlement close.
3/03/94	Burlington Northern Railroad	Tax Certification	WW	Hansen	Negotiating before filing.
3/08/94	Country Stores of Carroll, Ltd.; Elite Ltd.; Roger Kanne; James Pietig (Logan) (Coon Rapids)	Administrative Order	UT	Wornson	SCR overdue. Letter sent 2/3/95. Penalty on appeal. Compliance initiated.
3/17/94	Arlo Becker d/b/a Becker's Auto Salvage	Administrative Order	AQ	Kennedy	Settlement pending.
4/19/94	Galva Union Elevator Co.	Administrative Order	UT	Wornson	SCR submitted. Negotiating penalty.
5/09/94	Sara Lee Corporation	Administrative Order	WW	Murphy	Negotiating before filing.
5/09/94	Farmers Hybrid Co., Inc.	Administrative Order	WW	Clark	Negotiating before filing.
5/11/94	Creston, City of	Administrative Order	WW	Hansen	EPD meeting with City 10/28/94.
5/19/94	New Hampton, City of	Administrative Order	WW	Murphy	Negotiating before filing.

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DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
5/23/94	Newton, City of; Leland C. Faidley; Robert & Lynn Van Maaren; Doyle Churchill; Lucille Loar; Melburn & Jayne Clymer	Permit Issuance	FP	Clark	Proposed decision 1/31/95.
5/27/94	Joseph L. Ranker ; Darl Hollingsworth	Administrative Order	UT	Wornson	Compliance initiated.
6/03/94	Maquoketa, City of	Administrative Order	WW	Hansen	11/4/94 Construction permit issued to facility for new facility. Construction to begin immediately and be completed by summer of 1995.
6/08/94	Larry & Kelly Miller	Administrative Order	UT	Wornson	Compliance initiated.
6/14/94	K-Mart Corp./Store #7261	Administrative Order	UT	Wornson	Compliance initiated.
6/15/94	Winfield Scott McKinney; Gary L. McKinney d/b/a Harmony Creek Farms	Administrative Order	WW	Hansen	Hearing set for 3/21/95.
6/15/94	Lakeview Heights	Permit Conditions	WS	Hansen	Facility proposal under review by WS.
6/20/94	R.D.J. Farms and Donald Vogt	Administrative Order	UT	Wornson	Compliance initiated.
6/24/94	Griffith Oil Corp.	Administrative Order	UT	Wornson	Compliance initiated.
6/24/94	Larence Otto	Administrative Order	UT	Wornson	Compliance initiated.
6/28/94	Woodburn, City of	Administrative Order	WS	Hansen	Negotiating before filing..
7/01/94	Pella Construction Co.	Administrative Order	WW	Hansen	Hearing set for 3/6/95.
7/06/94	Dickens Water Works	Administrative Order	WS	Clark	Penalty paid. Settled.
7/07/94	Rose Bar Tire Shredding	Administrative Order	SW	Kennedy	In bankruptcy.
7/12/94	Woodlyn Hills	Administrative Order	WS	Hansen	Negotiating before filing.
7/12/94	Tom Wiseman	Administrative Order	UT	Wornson	New case. Appeal untimely.
7/15/94	Village Oaks Homeowners	Administrative Order	WS	Hansen	Negotiating before filing.
7/19/94	Lakewood Utilities	Administrative Order	WS	Clark	Negotiating before filing.
7/20/94	Pleasant Creek Estates	Administrative Order	WS	Hansen	Hearing set for 3/28/95.
7/21/94	Hickory Hills Subdivision	Administrative Order	WS	Hansen	Settled.
7/25/94	South High Point Well #2	Administrative Order	WS	Clark	Negotiating before filing.
7/25/94	Louis Rich Co.	Administrative Order	WS	Hansen	11/14/94 Follow-up letter to facility regarding settlement.
7/25/94	Kessler's Homeowners Assn.	Administrative Order	WS	Clark	Negotiating before filing.
7/25/94	Riverview Estates	Administrative Order	WS	Hansen	Negotiating before filing.
7/25/94	ACC Chemical Co. Getty Chemical Co.	Permit Conditions	WW	Hansen	Hearing continued to 7/95 at facility's request.
7/27/94	Twin View Heights 5282301	Administrative Order	WS	Hansen	11/14/94 Letter to facility regarding settlement. 12/94 Response from facility - working toward compliance.
8/09/94	Cherry Hills Subdivision	Administrative Order	WS	Clark	Negotiating before filing.
8/10/94	Edinburgh Manor	Administrative Order	WS	Clark	Negotiating before filing.
8/12/94	Windy Ridge Well Assn.	Administrative Order	WS	Clark	Negotiating before filing.

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 ENVIRONMENTAL PROTECTION COMMISSION
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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
8/12/94	Karl and Thelma Boylan d/b/a Boylan's Service	Administrative Order	UT	Wornson	Attorney withdrew. Refer to DIA.
8/18/94	Thomas Scheetz d/b/a The Depot Food & Fuel	Administrative Order	UT	Wornson	Negotiating before filing.
8/29/94	Atlantic, City of	Administrative Order	WW	Hansen	Under review by EPD.
8/29/94	B and B Tire and Oil	Administrative Order	UT	Wornson	Negotiating before filing.
8/30/94	HWH Corporation	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/01/94	Elmer R. Faust d/b/a Faust Garage & Grocery	Administrative Order	UT	Wornson	Compliance initiated.
9/02/94	Crabtree Lake Resort	Administrative Order	WW	Hansen	Compliance with AO initiated.
9/02/94	Jay Anderberg; Diane McKellip	Administrative Order	UT	Wornson	Brief due 2/17/95.
9/06/94	HEW, inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
9/09/94	American Coals Corp.	Administrative Order	SW/AQ	Kennedy	Bankruptcy filed.
9/12/94	Rome Water Supply	Administrative Order	WS	Clark	Negotiating before filing.
9/12/94	Charles Morrison; Bill Hinion; Marie Himen; Robert Bennett, et.al.	Permit Issuance	FP	Clark	Hearing set for 2/6/95.
9/15/94	David L. Schutz	Administrative Order	WW	Clark	Negotiating before filing.
9/15/94	Bankston	Administrative Order	WS	Hansen	1/95-Information from City. Compliance initiated.
9/16/94	Wunschel Oil Co.; Vernus Wunschel; Jacquelyn Wunschel; Mark Wunschel (Ida Grove)	Administrative Order	UT	Wornson	Hearing set for 3/10/95.
9/19/94	Burke Marketing Corp.	Administrative Order	WW	Hansen	Heariang set for 4/5/95.
9/23/94	Chicago and Northwestern Transportation Co.	Administrative Order	SW/WW	Murphy	Negotiating before filing.
9/26/94	James D. Foust	Administrative Order	SW	Kennedy	Negotiating before filing.
10/07/94	Titan Wheel International	Administrative Order	WW	Hansen	Informal meeting 2/8/95.
10/17/94	First United Methodist Church	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/19/94	Ronald Sizemore; Mark Murphy	Administrative Order	UT	Wornson	Negotiating before filing.
10/25/94	Mike Murphy d/b/a Hawley Heating & Air	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/26/94	Boomsma's Inc.	Administrative Order	WW	Clark	Negotiating before filing.
10/26/94	A. J. DeCoster	Administrative Order	WW	Clark	Negotiating before filing.
10/26/94	Boomsma's Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/26/94	A. J. DeCoster	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/27/94	George Dolan	Administrative Order	UT	Wornson	Negotiating before filing.
10/27/94	Chuck Winder d/b/a E.D.O., Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
10/31/94	Woodbury Co. Highway Dept.	Administrative Order	UT	Wornson	Negotiating before filing.
10/31/94	Keith Owens; Howard Maurer	Administrative Order	UT	Wornson	Negotiating before filing.
11/07/94	Jerry Smith; Norma S. Nelson	Permit Issuance	FP	Clark	Negotiating before filing.
11/08/94	Pettengill Concrete & Gravel	Administrative Order	FP	Clark	Settled.
11/10/94	Williams Pipeline Company	Permit Denial	AQ	Preziosi	Negotiating before filing.
11/14/94	Tom Babinat d/b/a Tom's Car Care	Administrative Order	UT	Wornson	Negotiating before filing.
11/23/94	Walnut Acres Campground; Fred and Fran Iben	Permit Issuance	FP	Clark	New case.
11/28/94	Richard Beckett	Administrative Order	UT	Wornson	Negotiating before filing.
11/30/94	Welch Oil, Inc.	Administrative Order	UT	Wornson	Hearing set for 3/13/95.
12/02/94	Bork Transport, Inc.	Administrative Order	UT	Wornson	Reviewing settlement offer.
12/14/94	Campbell Clean-Up Service	Permit Denial	AQ	Preziosi	Negotiating before filing.
1/10/95	Steamboat Rock	Administrative Order	WS	Hansen	New case.
1/11/95	Henry and Randy Krohn d/b/a Krohn Construction	Administrative Order	AQ/SW	Kennedy	New case.
1/13/95	Gilmore City-Bradgate Community School District	Administrative Order	AQ	Preziosi	New case.
1/13/95	James and Roxann Neneman	Administrative Order	UT	Wornson	Inability to pay. Forms sent.
1/13/95	Simonsen Industries, Inc.	Administrative Order	WW	Hansen	New case.
1/20/95	Hubert Vote d/b/a Vote House Moving	Administrative Order	AQ	Preziosi	New case.
1/20/95	Allan Brandhoij d/b/a Brandhoij Construction	Administrative Order	AQ	Preziosi	New case.

Mr. Stokes presented the routine monthly reports.

Discussion followed regarding various enforcement cases and penalties, and the utilization of methane gas by landfills.

INFORMATIONAL ONLY

PUBLIC PARTICIPATION

Tom Neumann (NPDES Program)

Tom Neumann, Director of Water and Pollution Control for the City of Ames, presented the following written statement regarding the Iowa NPDES Permit Program Requirements:

“Since 1990, the City of Ames has been challenging requirements of an NPDES permit for the new wastewater treatment facility completed in 1989 at a cost of more than \$39 million. This permit was originally issued by IDNR staff in May 1990 and successfully appealed by the City of Ames. The permit authority was subsequently transferred to EPA; and in July 1994, EPA finally issued their permit. Some of the EPA permit conditions are again being appealed by the City of Ames and are now before EPA headquarters in Washington, D.C. We intend to continue our challenge into federal court if necessary because we believe that these conditions are unnecessary, costly, and exceed the statutory authority of both the IDNR and EPA. Although we are prepared to continue our challenge, we would much prefer to make appropriate changes in the Iowa program to correct the problems and avoid further legal proceedings.

There are several issues that need attention and represent the focus of our appeal. These include the following:

1. More stringent state requirements. In its most recent brief, EPA acknowledges that the Iowa permit program requirements are more stringent than the federal rules require. We agree that Iowa may adopt more stringent requirements but do not believe that this has knowingly been done nor has it been done in compliance with Iowa law. Specifically, we would like to know when Iowa adopted the more stringent requirements, why the more stringent requirements are necessary, and how much these more stringent requirements cost the people of the state. This information is required by Iowa law before more stringent requirements may be adopted. This is important to hundreds of Iowa communities facing expensive upgrades of their treatment facilities.
2. State-imposed requirements in the state certification. Under the federal program, the state agency certifies conditions to be included in the federal permit necessary to comply with state code. We do not understand how IDNR can legally impose conditions in their certification to EPA that they have been prohibited from implementing in a state permit because those conditions violate Iowa law.
3. Maximum daily limits. This is one of the most stringent conditions of the Iowa program and also potentially the most costly to Iowa communities. Iowa has adopted two component-based (acute and chronic) water quality standards in compliance with EPA requirements. The problem occurs when Iowa inadvertently misuses the computer model calculated wasteload allocation based on these two components. Iowa selects the lower numerical value produced in the computer model as the maximum daily permit limit, even if that lower limit is based on the chronic water quality criteria. This violates Iowa water quality standards which state that chronic criteria re to be met on “average” and allows excursions above the chronic value, as long as the acute value is not exceeded. Thus, a maximum daily limit based on the wasteload allocation calculation of a chronic criteria imposes a more stringent and more costly requirement than the Iowa water quality standards require. Every Iowa community required to treat to a more stringent standard than secondary treatment faces this more costly requirement.

4. Survey of other states' programs. We recently contacted other states and EPA regions to request information about how they administer their EPA-approved programs. It is clear that few states or EPA regions impose maximum daily permit limits, and then only a very small number of facilities actually are affected. Iowa appears to be the exception to this practice because all Iowa permits with limitations more stringent than secondary treatment include maximum daily limitations. We do not know how many communities this impacts because IDNR did not respond to more than six written, verbal, or FAXed requests for this information, but we suspect several hundred communities have maximum daily limits in their permits. Although Illinois also has a large number of maximum daily limits, the Illinois program is more similar to the previous Iowa program that produced the permit conditions that the City of Ames followed in designing its new facility. Thus, Iowa stands alone among its neighboring states by requiring the most stringent requirements.

We are taking this opportunity to appeal to the EPC and IDNR to reassess the Iowa permit program requirements and make needed changes to bring the Iowa program into compliance with state law and adopted rules and to more closely match requirements in neighboring states. It is not necessary to impose more stringent and, thus, more costly requirements in order to protect Iowa's environment. We are prepared to work with the Commission and staff to achieve a more reasonable program for the maximum benefit to the people of the State of Iowa. Thank you for your consideration."

Bob Main (NPDES Program)

Bob Main, Superintendent of Water Pollution Control Facilities in Newton, addressed the Commission stating that he is representing the Iowa Water Pollution Control Association. He related that the Association has over 600 members working for the preservation and enhancement of water resources and the environment. Membership consists of land operations personnel, consulting engineers, educators, equipment suppliers, as well as regulatory personnel. Mr. Main noted that the Association supports the laws, rules and programs that adequately protect and enhance Iowa water quality and the environment. He added that they, however, oppose over regulation. He related that the Association supports the request to review and reassess whether the Iowa NPDES program may be overprotective of the water resources and result in costly, unnecessary expenditures. Mr. Main offered the Association's assistance to review the NPDES permit program. As a member of LEGERC, Mr. Main indicated that he is prepared to request assistance from LEGERC as well, if the Commission so desires.

Jack Soener (Title V Air Program)

Jack Soener, Association of Business and Industry, addressed the Commission stating that he would like to compliment Allan Stokes, Larry Wilson, and the department for their work in waiving the Title V and Voluntary Permit provisions to a later date. He thanked the department for moving forward with the emergency rules.

EMERGENCY ADOPTED RULE--CHAPTER 22, OPERATING PERMITS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to adopt amendments to Chapter 22 of departmental rules. Currently the rules require submission of additional technical supporting data for Title V operating permits by May 15, 1995. Applications for "Voluntary Permits" is set at March 1, 1995.

These rules were set in anticipation of federal approval of the state program by November of 1994. USEPA has not yet approved the state program and will apparently not do so for several more months. Additionally, there exists the possibility of some changes in the air operating permit program requirements coming from either congressional or USEPA action.

The Commission will be asked to adopt rules which delays the dates for submission of "Voluntary Permit" applications and for submission of additional technical data for Title V permit applications until such time as the department notifies individual facilities of the need to provide that additional information.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code sections 455B.133(8), the Environmental Protection Commission hereby adopts an amendment to Chapter 22, "Controlling Pollution," Iowa Administrative Code.

This amendment extends the time by which applicants for Title V operating permits in the air quality program may submit part 2 of the permit application. The existing deadline is May 15, 1995. The deadline is being delayed because the department has not yet received approval of the Title V program from the USEPA. When the deadline was established it was anticipated that the department would have received approval by this time. In addition, EPA has extended some of its deadlines. The completion of Part 2 is burdensome for the applicants, and is not necessary at this time. If delays in program approval or other extensions given by EPA are prolonged, the data submitted at this time may become out-of-date, and cause the applicants further burden of resubmitting information. The date is being extended to 90 days after approval of the department's Title V program by EPA, and the extension provides that notices will be sent to the applicants of the new deadline.

For the same reasons, the department is also extending the date by which applicants for voluntary operating permits must file applications, March 1, 1995, until 90 days after the department receives program approval from EPA. The individuals or companies which will be filing applications for this type of permit are not specifically known, so the department will not be able to provide notice by mailing. The department intends to make widespread public notice of the new deadlines when it obtains program approval.

In compliance with Iowa Code section 17A.4(2), the department finds that notice and public participation are impracticable because the time period for doing so would extend beyond the existing deadlines, and thereby place applicants in a tenuous position.

The department also finds pursuant to Iowa Code section 17A.5(2)"b"(2) that the normal effective date of the rule should be waived and this amendment should be made effective immediately upon filing with the Administrative Rules Coordinator on February 24, 1995, as it confers a benefit upon the regulated public by extending the deadlines.

These amendments are intended to implement Iowa Code sections 455B.134.

ITEM 1. Amend subrule 22.105(1), subparagraph "a"(1), as follows:

(1) By November 15, 1994, if a source is existing on April 20, 1994, is required to have a Title V permit and is applying for a Title V permit for the first time. However, a source may choose to defer submittal of Part 2 of the permit application until May 15, 1995-90 days after approval of the department's Title V program by USEPA. The department will mail notice of the new deadline to all applicants who have filed Part 1 of the application, at least 75 days prior to the new deadline.

ITEM 2. Amend subrule 22.203(1), subparagraph "a"(1), as follows:

(1) By March 1, 1995, 90 days after approval of the department's Title V program by USEPA, if the source is applying for an operating permit for the first time.

These rules are intended to implement Iowa Code sections 455B.134.

Date

Larry J. Wilson, Director

Mr. Stokes distributed copies of the proposed amendments to the rules to delay implementation dates for Title V Operating Permits and Voluntary Permits. He reviewed the history of this rulemaking. He noted that a letter from Director Wilson explaining the changed due dates has been mailed to all parties that had first-half Title V submissions due as well as to anyone with a possibility of voluntary permits. Mr. Stokes explained that the rules extend the May 15, 1995 deadline to a new deadline of 90 days after approval of the state's program by EPA. Item 2 addresses the delay in the March 1 date for Voluntary Permits. He noted that once the department's program is approved by EPA, staff will send a mass mailing to those affected parties.

Motion was made by Gary Priebe to approve Emergency Rule--Chapter 22, Air Operating Permits. Seconded by Rozanne King.

William Ehm asked if there is any idea as to when Art Spratlin of EPA will act on approving the department's program.

Mr. Stokes stated that he is projecting it will be approved by the end of March or April of this year.

Vote on Commissioner Priebe's motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION--CHAPTERS 20, 22, 23 AND 25, AIR QUALITY

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached Notice of Intended Action which proposes to amend Chapter 20, "Scope of Title--Definitions--Forms--Rules of Practice," Chapter 22, "Controlling Pollution," Chapter 23, "Emission Standards for Contaminants," and Chapter 25, "Measurement of Emissions."

These amendments include updates to references to federal regulations and corrections to the Title V operating permit and acid rain requirements in Chapter 22. A change to the Compliance Sampling Manual is also added.

ENVIRONMENTAL PROTECTION COMMISSION [567] Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 20, "Scope of Title--Definitions--Forms--Rules of Practice," Chapter 22, "Controlling Pollution," Chapter 23, "Emission Standards for Contaminants," and Chapter 25, "Measurement of Emissions," Iowa Administrative Code.

These amendments include updates to references to federal regulations.

They include corrections to the insignificant activities listed in rules 22.102 and 22.103 as required by EPA. They include other corrections to chapter 22 concerning the Title V operating permit program and acid rain program as required by EPA.

These amendments include a change in the Compliance Sampling Manual to allow more flexibility in stack testing for particulate matter.

These rules may impact small businesses.

Any interested person may make written suggestions or comments on the proposed rules on or before _____. Written comments should be directed to Christine Spackman, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034, FAX (515)281-8895.

A public hearing will be held on _____ at _____ in _____, at which time comments may be submitted orally or in writing.

These rules are intended to implement Iowa Code section 455B.133.

The following rules are proposed.

ITEM 1. Amend the definition of "Volatile organic compound" in rule 567--20.2 as follows:

"Volatile organic compound" means any compound included in the definition of volatile organic compound found at 40 CFR section 51.100(s) as amended through November 30, 1993 October 5, 1994.

ITEM 2. Amend subrule 567--22.4(1) as follows:

22.4(1) Federal rules 40 CFR 52.21(a) (Plan Approval), 51.2(q) (Public Participation), 52.21(s) (Environmental Impact Statement), and 52.21(u) (Delegation of Authority), are not adopted by reference. Also, for the purposes of 40 CFR 52.21(l), the department adopts ~~the 1986 edition of EPA's document "Guideline on Air Quality Models (Revised) (EPA Publication 450/2-78-027R)" as amended by "Supplement A to the Guideline on Air Quality Models (Revised) (EPA Document EPA 450/2-78-027R, Supplement A, July 1987)." by reference Appendix W to 40 CFR 51, Guideline on Air Quality Models (Revised), as adopted July 20, 1993.~~

ITEM 3. Amend the definition of "High risk pollutant" in rule 567--22.100 by deleting acrylic acid and methylene diphenyl diisocyanate and amending the introductory paragraph, as follows:

"High risk pollutant" means one of the following hazardous air pollutants listed in Table 1 in 40 CFR 63.74 as ~~promulgated December 29, 1992~~ amended through October 21, 1994:

ITEM 4. Amend subrule 567--22.101(1), introductory paragraph, as follows:

22.101(1) Except as provided in paragraph subrule 22.102(1)"a,"

ITEM 5. Amend rule 567--22.102 as follows:

567--22.102(455B) —Insignificant activities excluded from Title V operating permit application. Source categories exempt from obtaining Title V operating permit. The following source categories are exempt from the obligation to obtain a Title V operating permit:

22.102(1) The following sources are exempt from Title V requirements and need not be included in the Title V permit application or in the calculation of fees pursuant to rule 22.106(455B):

a. Residential wood heaters subject to 40 CFR 60, Subpart AAA, as amended to August 31, 1993.

22.102(2) Asbestos demolition and renovation projects subject to 40 CFR 61, Subpart M, as amended to ~~June 25, 1993~~ July 15, 1994.

~~22.102(2) The following are insignificant activities for purposes of Title V permitting if not needed to determine the applicability of or to impose any applicable requirement. In accordance with 40 CFR 70.5 (as amended through June 25, 1993), these activities need not be included in the Title V permit application or in the calculation of fees pursuant to rule 22.106(455B). However, if the inclusion of emissions from these activities makes the source subject to the Title V permit requirement or if these activities are needed to impose any applicable requirement, these activities must be included in the permit application:~~

~~_____ a. Fuel burning equipment for indirect heating and reheating furnaces using natural or liquefied petroleum gas with a capacity of less than 10 million Btu per hour input.~~

~~_____ b. Fuel burning equipment for indirect heating with a capacity of less than 1 million Btu per hour input when burning coal, untreated wood, or fuel oil.~~

~~_____ c. Mobile internal combustion and jet engines, marine vessels, and locomotives.~~

~~_____ d. Equipment, other than anaerobic lagoons, used for cultivating land, harvesting crops, or raising livestock. This exemption is not applicable if the equipment is used to remove substances from grain which were applied to the grain by another person. This exemption also is not applicable to equipment used by a person to manufacture commercial feed, as defined in Iowa Code section 198.3, when that feed is normally not fed to livestock;~~

~~_____ (1) Owned by that person or another person, and~~

~~_____ (2) Located in a feedlot, as defined in Iowa Code section 172D.1(6), or in a confinement building owned or operated by that person, and~~

~~_____ (3) Located in this state.~~

~~_____ e. Incinerators with a rated refuse burning capacity of less than 25 pounds per hour.~~

~~_____ f. Equipment or control equipment which eliminates all emissions to the atmosphere.~~

~~_____ g. Equipment (other than anaerobic lagoons) or control equipment which emits odors unless such equipment or control equipment also emits particulate matter or any other air pollutant or contaminant.~~

~~_____ h. Alterations to equipment which have been determined by the department to effect no change in the emissions from that equipment.~~

~~_____ i. Residential wood heaters, cookstoves, or fireplaces.~~

~~_____ j. Laboratory equipment used exclusively for chemical and physical analyses.~~

~~_____ k. Recreational fireplaces.~~

~~_____ l. Barbecue pits and cookers except at a meat packing plant or a prepared meat manufacturing facility.~~

~~m. Gasoline, diesel fuel, or oil storage tanks with a capacity of 1,000 gallons or less and an annual throughput of less than 40,000 gallons.~~

~~n. Stacks or vents to prevent escape of sewer gases through plumbing traps for systems handling domestic sewage only. Systems which include any industrial waste are not exempt.~~

~~o. Retail gasoline and diesel fuel handling facilities.~~

ITEM 6. Add new rule 567--22.102A(455B) as follows:

567--22.102A(455B) Insignificant activities excluded from Title V operating permit application. The following are insignificant activities for purposes of Title V permitting if not needed to determine the applicability of or to impose any applicable requirement. In accordance with 40 CFR 70.5 (as amended through June 25, 1993), these activities need not be included in the Title V permit application or in the calculation of fees pursuant to 22.106(455B). However, if the inclusion of emissions from these activities makes the source subject to the Title V permit requirement or if these activities are needed to impose any applicable requirement, these activities must be included in the permit application.

a. Mobile internal combustion and jet engines, marine vessels, and locomotives.

b. Equipment, other than anaerobic lagoons, used for cultivating land, harvesting crops, or raising livestock. This exemption is not applicable if the equipment is used to remove substances from grain by another person. This exemption also is not applicable to equipment used by a person to manufacture commercial feed, as defined in Iowa Code section 198.3, when that feed is normally not fed to livestock:

(1) Owned by that person or another person, and

(2) Located in a feedlot, as defined in Iowa Code section 172D.1(6), or in a confinement building owned or operated by that person, and

(3) Located in this state.

c. Equipment or control equipment which eliminates all emissions to the atmosphere.

d. Equipment (other than anaerobic lagoons) or control equipment which emits odors unless such equipment or control equipment also emits particulate matter or any other air pollutant or contaminant.

e. Alterations to equipment which have been determined by the department to effect no change in the emissions from that equipment.

f. Residential wood heaters, cookstoves, or fireplaces.

g. Laboratory equipment used exclusively for chemical and physical analyses.

h. Recreational fireplaces.

i. Barbecue pits and cookers except at a meat packing plant or a prepared meat manufacturing facility.

j. Stacks or vents to prevent escape of sewer gases through plumbing traps for systems handling domestic sewage only. Systems which include any industrial waste are not exempt.

k. Retail gasoline and diesel fuel handling facilities.

ITEM 7. Add a new subrule 567--22.103(3) as follows:

22.103(3) The following are insignificant if not needed to determine the applicability of or to impose any applicable requirement.

a. Fuel-burning equipment for indirect heating and reheating furnaces using natural or liquefied petroleum gas with a capacity of less than 10 million Btu per hour input.

- b. Fuel-burning equipment for indirect heating with a capacity of less than 1 million Btu per hour input when burning coal, untreated wood, or fuel oil.
- c. Incinerators with a rated refuse burning capacity of less than 25 pounds per hour.
- d. Gasoline, diesel fuel, or oil storage tanks with a capacity of 1,000 gallons or less and an annual throughput of less than 40,000 gallons.

ITEM 8. Amend subparagraph 567--22.105(1)"a"(5) as follows:

(5) Within 12 months of commencing operation for a source subject to 112(g) of the Act or subject to rule 22.4(455B) (prevention of significant deterioration permitting) or subject to rule 22.5(455B) (nonattainment area permitting). Where an existing Title V permit would prohibit such construction or change in operation, the source must obtain a Title V permit revision before commencing operation.

ITEM 9. Amend subrule 567--22.105(3) as follows:

22.105(3) Hazardous air pollutant early reduction application. Anyone requesting a compliance extension from a standard issued under section 112(d) of the Act must submit with its Title V permit application information that complies with the requirements of 40 CFR 63, Subpart D, as amended through ~~October 27, 1993~~ November 29, 1993.

ITEM 10. Amend paragraph 567--22.107(1)"c" as follows:

c. Prioritization of applications. The director shall give priority to action on Title V applications involving construction or modification for which a construction permit pursuant to subrule 22.1(1) or Title I of the Act, Parts C and D, is also required. The director also shall give priority to action on Title V applications involving early reduction of hazardous air pollutants pursuant to 40 CFR 63, Subpart D, as amended through ~~October 27, 1993~~ November 29, 1993.

ITEM 11. Amend subrule 567--22.107(5) as follows:

22.107(5) Hazardous air pollutant early reduction application evaluation review shall follow the procedures contained in 40 CFR 63, Subpart D, as amended through ~~October 27, 1993~~ November 29, 1993.

ITEM 12. Add a new subrule 567--22.108(19) as follows:

22.108(19) Emission trades. For emission trades at facilities solely for the purpose of complying with a federally enforceable emissions cap that is established in the permit independent of otherwise applicable requirements, permit applications under this provision are required to include proposed replicable procedures and proposed permit terms that ensure the emission trades are quantifiable and enforceable.

ITEM 13. Amend paragraph 567--22.110(1)"c" as follows:

c. ~~The changes will involve an emission trade, the state implementation plan provides for such emission trades, and the Title V operating permit does not already provide for emission trading at the source;~~ The changes are not modifications under any provision of Title I of the Act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions).

ITEM 14. Amend paragraph 567--22.110(1)"d" as follows:

d. The changes are not subject to any requirement under Title IV of the Act (revisions affecting Title IV permitting are addressed in rules ~~22.141(455B) and 22.142(455B)~~ 22.140(455B) through 22.144(455B)).

ITEM 15. Amend the following definitions in rule 567--22.120 as follows:

"Allowance deduction" or "deduct" when referring to allowances" means the permanent withdrawal of allowances by the administrator from an allowance tracking system compliance subaccount to account for the number of the tons of SO₂ emissions from an affected unit for the calendar year, for tonnage emissions estimates calculated for periods of missing data as provided in rule 567--25.2(455B), or for any other allowance surrender obligations of the acid rain program.

"Acid rain program" means the national sulfur dioxide and nitrogen oxides air pollution control and emissions reduction program established in accordance with Title IV of the Act, rules 22.120(455B) to 22.147(455B), 40 CFR Parts 72, 73, 75, 77, and 78 as amended through July 30, 1993, November 22, 1994, and regulations implementing sections 407 and 410 of the Act.

"Certificate of representation" means the completed and signed submission required by 40 CFR 72.20 as amended through July 30, 1993, November 22, 1994, for certifying the appointment of a designated representative for an affected source or a group of identified affected sources authorized to represent the owners and operators of such source(s) and of the affected units at such source(s) with regard to matters under the acid rain program.

"Compliance certification" means a submission to the department or the administrator that is required by rules 22.120(455B) to 22.147(455B), by 40 CFR Part 72, 73, 75, 77, or 78 as amended through July 30, 1993 November 22, 1994, or by regulations implementing sections 407 or 410 of the Act to report an affected source or an affected unit's compliance or noncompliance with a provision of the acid rain program and that is signed and verified by the designated representative in accordance with Subpart B of 40 CFR Part 72 as amended through July 30, 1993 November 22, 1994, rules 22.146(455B) and 22.147(455B), and the acid rain program regulations gene

"Compliance plan" for purposes of the acid rain program, means the document submitted for an affected source in accordance with rules 22.128(455B) and 22.129(455B) specifying the method(s) (including one or more acid rain compliance options under rule ~~22.131~~ 22.132(455B) or rules implementing section 407 of the Act) by which each affected unit at the source will meet the applicable acid rain emissions limitation and acid rain emissions reduction requirements.

"Permit revision" means a permit modification, fast-track modification, administrative permit amendment, or automatic permit amendment, as provided in rules 22.140(455B) to ~~22.145~~ 22.144(455B).

"State Title V operating permit program" means a Title V operating permit program that the administrator has approved as meeting the requirements of Title IV and V of the Act and 40 CFR Parts 70 as amended to June 29, 1992, and 72 as amended to July 30, 1993 November 22, 1994.

ITEM 16. Amend paragraph 567--22.123(3)"a" as follows:

a. The department will issue, for any unit meeting the requirements of subrules 22.123(1) and 22.123(2), a written exemption from the requirements of the acid rain program except for the requirements specified in this subrule, 40 CFR 72.2 through 72.7, and 40 CFR 72.10 through 72.13 as amended through July 30, 1993; provided that no unit shall be exempted unless the designated representative of the unit surrenders, and the administrator deducts from the unit's allowances tracking system account, allowances pursuant to 40 CFR 72.7(c)(1)(i) and (d)(1) as amended through July 30, 1993. The exemption shall take effect on January 1 of the year immediately following the date on which the written exemption is issued ~~subject to administrative appeal pursuant to 561 Chapter 7, as adopted by reference at 567 Chapter 7, or is issued as a final agency action subject to judicial review,~~ in accordance with paragraph 22.123(3)"b"; provided that the owners and operators, and, to the extent applicable, the designated representative, shall comply with the requirements of the acid rain program concerning all years for which the unit was not exempted, even if such requirements arise, or must be complied with, after the exemption takes effect. The exemption shall not be a defense against any violation of such requirements of the acid rain program whether the violation occurs before or after the exemption takes effect.

ITEM 17. Amend paragraph 567--22.124(3)"a" as follows:

a. The department will issue, for any unit meeting the requirements of subrules 22.124(1) and (2), a written exemption from the requirements of rules 22.120(455B) to 22.147(455B) and 40 CFR Part 72 as amended through ~~July 30, 1993~~ November 22, 1994, except for the requirements specified in this rule and 40 CFR 72.1 through 72.6, 40 CFR 72.8, and 40 CFR 72.10 through 72.13. The exemption shall take effect on January 1 of the year following the date on which the written exemption is issued ~~subject to administrative appeal pursuant to 561 Chapter 7, as adopted by reference at 567 Chapter 7, or as issued as a final agency action subject to judicial review,~~ in accordance with paragraph 22.124(3)"b"; provided that the owners and operators, and, to the extent applicable, the designated representative, shall comply with the requirements of rules 22.120(455B) to 22.147(455B) and 40 CFR Part 72 as amended through ~~July 30, 1993~~ November 22, 1994, concerning all years for which the unit was not exempted, even if such requirements arise or must be complied with after the exemption takes effect. The exemption shall not be a defense against any violation of such requirements of the acid rain program whether the violation occurs before or after the exemption takes effect.

ITEM 18. Amend paragraph 567--22.124(4)"c" as follows:

c. A unit exempted under this rule shall not resume operation unless the designated representative of the source that includes the unit submits an acid rain permit application for the unit not less than 24 months prior to the later of January 1, 2000, or the date an acid rain permit application is submitted or is required to be submitted under this paragraph, the unit shall no longer be exempted under this rule and shall be subject to all requirements of rules 22.120(455B) to 22.147(455B) and 40 CFR Part 72 as amended through ~~July 30, 1993~~ November 22, 1994.

ITEM 19. Amend paragraph 567--22.125(7)"g" as follows:

g. Each violation of a provision of rules 22.120(455B) to 22.147(455B) and 40 CFR Parts 72, 73, 75, 77, and 78 as amended through ~~July 30, 1993~~ November 22, 1994, and

regulations implementing sections 407 and 410 of the Act by an affected source or affected unit, or by an owner or operator or designated representatives of such source or unit, shall be a separate violation of the Act.

ITEM 20. Amend subrule 567--22.130(2) as follows:

22.130(2) Prior to ~~the earlier of~~ the date on which an acid rain permit is issued as a final agency action subject to judicial review, an affected unit governed by and operated in accordance with the terms and requirements of a timely and complete acid rain permit application shall be deemed to be operating in compliance with the acid rain program.

ITEM 21. Amend paragraph 567--22.132(6)"b" as follows:

b. The designated representative of a unit governed by an approved repowering extension plan may submit to the department a proposed permit modification demonstrating that the repowering technology specified in the plan was properly constructed and tested on such unit but was unable to achieve the emissions reduction limitations specified in the plan and that it is economically or technologically infeasible to modify the technology to achieve such limitation; ~~the unit shall not be deemed in violation of the Act because of such failure to achieve the emissions reduction limitations.~~ In order to be properly constructed and tested, the repowering technology shall be constructed at least to the extent necessary for direct testing of the multiple combustion emissions (including sulfur dioxide and nitrogen oxides) from such unit while operating the technology at nameplate capacity. If such demonstration is to the satisfaction of the administrator:

ITEM 22. Amend subparagraph 567--22.132(7)"a"(1) as follows:

(1) Sulfur dioxide. Allowances allocated during the repowering extension under ~~subrule~~ paragraph 22.132(5)"c" and subrule 22.132(6) to a unit governed by an approved repowering extension plan shall not be transferred to any allowance tracking system account other than the unit accounts of other units at the same source as that unit.

ITEM 23. Amend rule 567--22.134 as follows:

567--22.134(455B) Acid rain permit shield. Each affected unit operated in accordance with the acid rain permit that governs the unit and that was issued in compliance with Title IV of the Act, as provided in rules 22.120(455B) to ~~22.160~~ 22.147(455B), rule 567--25.2(455B), 40 CFR Parts 72, 73, 77, and 78 as amended through ~~July 30, 1993~~ November 22, 1994, and the regulations implementing section 407 of the Act, shall be deemed to be operating in compliance with the acid rain program, except as provided in paragraph 22.125(7)"f."

ITEM 24. Amend subrule 567--22.139(1) as follows:

22.139(1) Appeals of the acid rain portion of a Title V operating permit issued by the department that do not challenge or involve decisions or actions of the administrator under 40 CFR Parts 72, 73, 75, 77, and 78 as amended through ~~July 30, 1993~~ November 22, 1994, and sections 407 and 410 of the Act and regulations implementing sections 407 and 410 shall be conducted according to the procedures in Iowa Code chapter 17A and 561--chapter 7, as adopted by reference at 567--chapter 7. Appeals of the acid rain portion of such a permit that challenge or involve such decisions or actions of the administrator shall follow the procedures under 40

CFR Part 78 as amended through July 31, 1993, and section 307 of the Act. Such decisions or actions include, but are not limited to, allowance allocations, determinations concerning alternative monitoring systems, and determinations of whether a technology is a qualifying repowering technology.

ITEM 25. Amend subrule 567--22.141(1) as follows:

22.141(1) Permit modifications shall follow the permit issuance requirements of rules 22.135(455B) to 22.139(455B) and ~~rule 22.112(455B) or subrules 22.113(2) and (3) (455B).~~

ITEM 26. Amend paragraph 567--22.141(3)"c" as follows:

c. Determinations concerning failed repowering projects under ~~paragraph~~ subrule 22.132(6)"a"; and

ITEM 27. Amend paragraph 567--22.142(1)"a" as follows:

a. The designated representative shall serve a copy of the fast-track modification on the administrator, the department, and any person entitled to a written notice under subrules 22.107(~~7~~)(6) and 22.107(~~8~~) (~~7~~). Within five business days of serving such copies, the designated representative shall also give public notice by publication in a newspaper of general circulation in the area where the source is located or in a state publication designed to give general public notice.

ITEM 28. Amend subrule 567--22.146(2) as follows:

22.146(2) The submission of complete compliance certifications in accordance with subrule 22.146(1) and rule 567--25.2(455B) shall be deemed to satisfy the requirement to submit compliance certifications under ~~subrule~~ paragraph 22.108(15)"e" with regard to the acid rain portion of the source's Title V operating permit.

ITEM 29. Amend subrule 567--22.147(3) as follows:

22.147(3) Commencement of operation. Not later than 60 days after the units repowered under an approved repowering plan commences operation at full load, the designated representative of the unit shall submit a report to the administrator and the department comparing the actual hourly emissions and percent removal of each pollutant controlled at the unit to the actual hourly emissions and percent removal at the existing unit under the plan prior to repowering, determined in accordance with rule 567--25.2(455B).

ITEM 30. Amend the introductory paragraph to subrule 567--23.1(2) as follows:

23.1(2) New source performance standards. The federal standards of performance for new stationary sources, as defined in 40 Code of Federal Regulations Part 60 as amended or corrected through April 22, 1994 October 11, 1994, and 40 CFR Part 503 as adopted on February 19, 1993 (~~58 FR 9248~~), are adopted by reference, except §60.530 through §60.539b, and shall apply to the following affected facilities. The corresponding 40 CFR Part 60 subpart designation is in parentheses. Reference test methods (Appendix A), performance specifications (Appendix B), determination of emission rate change (Appendix C), quality assurance

procedures (Appendix F) and the general provisions (Subpart A) of 40 CFR Part 60 also apply to the affected facilities.

ITEM 31. Amend the introductory paragraph to subrule 567--23.1(3) as follows:

23.1(3) Emission standards for hazardous air pollutants. The federal standards for emissions of hazardous air pollutants, 40 Code of Federal Regulations Part 61 as amended through ~~June 25, 1993~~ June 17, 1994, are adopted by reference, except 40 CFR §61.20 to §61.26, §61.90 to §61.97, §61.100 to §61.108, §61.120 to §61.127, §61.190 to §61.193, §61.200 to §61.205, §61.220 to §61.225, and §61.250 to §61.256, and shall apply to the following affected pollutants and facilities and activities listed below. The corresponding 40 CFR Part 61 subpart designation is in parentheses. Reference test methods (Appendix B), compliance status information requirements (Appendix A), quality assurance procedures (Appendix C), and the general provisions (Subpart A) of Part 61 also apply to the affected activities or facilities.

ITEM 32. Amend subrule 567--25.1(9) as follows:

25.1(9) Methods and procedures. Stack sampling and associated analytical methods used to evaluate compliance with emission limitations of 567--Chapter 23 or a permit condition are those specified in the "Compliance Sampling Manual*" adopted by the commission on May 19, 1977, as revised through ~~February 24, 1993~~ January 1, 1995. Sampling methods, analytical determinations, minimum performance specifications and quality assurance procedures for performance evaluations of continuous monitoring systems are those found in Appendix A, Appendix B and Appendix F, 40 CFR Part 60 as amended through May 17, 1993 and 40 CFR 75, Appendices A, B, and H, as amended through August 18, 1994.

*Available from department.

ITEM 33. Amend rule 567--25.2 as follows:

567--25.2(455B) Continuous emission monitoring under the acid rain program. The continuous emission monitoring requirements for affected units under the acid rain program as provided in 40 CFR 75 as adopted January 11, 1993, and as corrected or amended through ~~July 30, 1993~~ August 18, 1994, are adopted by reference.

These rules are intended to implement Iowa Code section 455B.133.

Mr. Stokes gave a detailed explanation of the rules.

Motion was made by William Ehm to approve Notice of Intended Action--Chapters 20, 22, 23 and 25, Air Quality. Seconded by Gary Priebe.

Rozanne King asked if the July 31, 1993 date in the second last sentence of 22.139(1) was left in by error. She related that in other areas of the rule it has been stricken and replaced with November 22, 1994.

Mr. Stokes stated that he believes it is correct but will double check the date before filing the rule.

Clark Yeager asked about the bottom of Page 3, which addresses exemptions not applicable if the equipment is used to remove substances from grain by another person. He further inquired as to what is covered under substances.

Mr. Stokes stated that this language is already in the rules and has been for some time but he will double check the language and clarify "substances."

Vote on Commissioner Ehm's motion carried unanimously.

APPROVED AS PRESENTED

PROPOSED RULE--CHAPTER 112, INFECTIOUS WASTE

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be provided a draft of proposed rules which address regulation of infectious waste treatment and disposal facilities. 455B.503 Code of Iowa directs the Commission to adopt rules covering these facilities.

These rules are being presented for information only at this meeting. The Commission will be asked to approve a Notice of Intended Action to solicit public comment on these rules at their March Commission meeting.

ENVIRONMENTAL PROTECTION COMMISSION [567] Notice of Intended Action

Pursuant to the authority of Iowa Code sections 455B.304, 455B.503, and 455B.504, the Environmental Protection Commission gives Notice of Intended Action to adopt a new Chapter 112, "Transportation, Treatment, and Disposal of Infectious Waste," Iowa Administrative Code.

These rules establish regulations required by the above-cited Iowa Code provisions, related to the treatment, transportation, and disposal of infectious wastes.

Any interested person may make written suggestions or comments on the proposed amendments on or before _____, 1995. Written comments should be directed to Lavoy Haage, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034, fax (515)281-8895.

A public hearing will be held on _____, 1995, at ____ a.m. in the _____ Floor Conference Room, Wallace State Office Building, Des Moines, Iowa, at which time comments may be submitted orally or in writing.

Any persons who intend to attend a public hearing and have special requirements such as hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

These amendments may impact small businesses.

These amendments are intended to implement Iowa Code sections 455B.301-.307 and 455B.501-.505.

The following rules are proposed.

ITEM 1. Adopt a new chapter 112, as follows:

CHAPTER 112

TRANSPORTATION, TREATMENT, AND DISPOSAL OF INFECTIOUS WASTE

567-112.1(455B) Definitions. As used in this section, unless the context otherwise requires:

"*Contaminated animal carcasses*" means waste including carcasses, body parts, and bedding of animals that were exposed to infectious agents during research, production of biologicals, or testing of pharmaceuticals.

"*Contaminated sharps*" means all discarded sharp items derived from patient care in medical, research, or industrial facilities including glass vials containing materials defined as infectious, hypodermic needles, scalpel blades, and Pasteur pipettes.

"*Cultures and stocks of infectious agents*" means specimen cultures collected from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biological agents, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, or mix cultures.

"*Human blood and blood products*" means human serum, plasma, other blood components, bulk blood, or containerized blood in quantities greater than twenty milliliters.

"*Infectious*" means containing pathogens with sufficient virulence and quantity so that exposure to an infectious agent by a susceptible host could result in an infectious disease when the infectious agent is improperly treated, stored, transplanted, or disposed.

"*Infectious waste*" means waste, which is infectious, including but not limited to contaminated sharps, cultures, and stocks of infectious agents, blood and blood products, pathological waste, and contaminated animal carcasses from hospitals or research laboratories.

"*Pathological waste*" means human tissues and body parts that are removed during surgery or autopsy.

567-112.2(455B) Treatment and Disposal.

112.2(1) Disposal. All infectious wastes, other than those generated by a single household, must be disposed of by one of the following two procedures:

- a. They must be reduced to mineral and carbon ash in a permitted incinerator, or
- b. They must be rendered noninfectious by a sterilization process and disposed of in a permitted Sanitary Landfill.

112.2(2) Treatment.

- a. Infectious waste materials may be treated by any commercially available sterilization process including, but not limited to, heat treatment, radiation, chemical sterilants, or combinations of such appropriate methods.

b. Any person electing to treat infectious wastes as prescribed in this section must obtain certification from the manufacturer or provider of the product, device, or process that it is capable of treating the wastes so they will no longer be infectious. Any limitations, exclusions, or operational qualifications the manufacturer or provider places on that certification must be made known to the operators.

c. In addition to the treatment specified by this subrule, contaminated sharps shall be stored and transported to the disposal site in a rigid puncture-proof container, or be ground into small pieces that preclude accidental puncture.

d. Any body parts must be rendered unrecognizable before they are transported off site for treatment or disposal.

567-112.3(455B) Storage and Transportation. Generators, treaters, transporters and disposers must comply with all applicable rules of the Iowa Department of Public Health and the Iowa Department of Transportation, in addition to the following:

112.3(1) Storage.

a. Infectious wastes must be segregated from other waste at the point of origin.

b. Infectious wastes stored at the generating facility must be in a container that will prevent access by precipitation, animals, or insects.

c. Infectious waste containers must be effectively secured from access by unauthorized persons.

d. Containers for infectious waste must be clearly labeled identifying the nature of the contents. Permitted treatment facilities must provide separate containers for untreated and treated wastes and each must be accordingly labeled.

e. Reusable containers exposed to direct contact with infectious waste must be disinfected before reuse.

112.3(2) Transportation.

a. Infectious wastes transported from the point of origin to a treatment facility must be transported by a hauler registered with the Department of Natural Resources. When the hauler is someone other than the generator, the generator is responsible for verifying that the hauler has a current, valid registration.

b. The container on the conveyance used to transport infectious wastes must be fully enclosed and leakproof. If the conveyance is also used to haul wastes which are not infectious the container used for infectious wastes must be separate and can not be used for any other purpose. The container for infectious waste must be labeled in a manner that identifies the nature of the contents. The lettering and signs must be easily read at a distance of 25 feet.

c. Infectious wastes that have been treated in a permitted treatment facility may be transported to the point of final disposal by any hauler of solid waste. Treated wastes, not exempted by IAC 567 --102.15(2)d, must be contained in a red bag or otherwise clearly identified as treated infectious waste to enable the operator at the receiving facility to identify such wastes from a distance of 25 feet.

567-112.4(455B) Permitting and Registration Requirements.

112.4(1) Permits Required.

a. No person shall install, construct or operate an infectious waste treatment or disposal facility without a permit from the Department of Natural Resources.

b. The department will not grant a permit for an infectious waste treatment or disposal facility unless a comprehensive plan that complies with Appendix E of the department document entitled "Guidance for Solid Waste Comprehensive Plans, Part I: "Solid waste Management Alternatives" September 1990, as revised October 15, 1992, has been filed with the department. An update or revision of the comprehensive plan must be submitted each time a permit renewal or amendment is requested.

c. The department will not grant a permit for the construction or operation of a commercial infectious waste treatment or disposal facility within one mile of a site or building which has been placed on the national register of historic places. This restriction does not apply to hospitals, health care facilities licensed pursuant to Chapter 135C, physicians offices or clinics and other health service related entities. A statement certifying compliance with this paragraph will be required with each initial application for a permit.

d. Application for a treatment or disposal permit shall be made on forms provided by the department. Requirements for obtaining a permit include:

(1) Complete specifications listing the capacity and the performance standard of the device or process, preferably in the form of the manufacturer's shop drawings or data sheets.

(2) An operator's manual providing detailed instructions, including safety procedures must be provided by the supplier or prepared by the applicant, and must be readily available to the operator at all times.

(3) A contingency plan detailing the procedures and precautions to be followed in the case of emergency or malfunction must be prepared. One copy must be readily available to the operator at all times and one copy must be provided to the County Emergency Management Coordinator. If the treatment facility is located on the site of a generator of infectious waste or on a site where other activities are carried out under the direction of a common manager, one copy of the contingency plan must be retained by that manager.

(4) A map showing the location of the proposed facility and all structures or public facilities within one fourth of a mile of the facility must be included with the application.

(5) An application for an incinerator, or any other technology which may result in the emission of air contaminants to the outside atmosphere, must be accompanied by concurrent application or applications for air pollution control permit(s) required pursuant to Chapter 22.

1.3(2) *Transporter registration required.*

a. Any person transporting infectious wastes from the point of origin to a treatment facility must register the vehicle with the department on forms provided by the department. The form shall require the following information, at a minimum:

(1) The name, business address and telephone number of the transporter.

(2) The year make and model of the vehicle.

(3) The license plate number of the vehicle, the state of registration and the vehicle identification number.

(4) The signature of the person legally responsible for the operation of the vehicle.

b. A contingency plan detailing the procedures and precautions to be followed in the event of an emergency or malfunction must be prepared. One copy must be kept with the vehicle at all times, one copy must be provided to the county emergency management coordinator and one copy must be maintained to the owner's place of business.

567-112.5(455B) Operating Limitations.

112.5(1) Permits for treatment and disposal facilities may be issued for a period of not less than one year nor more than ten years.

112.5(2) A vehicle registration for an infectious waste transporter shall remain valid for the period the vehicle is used for this purpose. Any replacement vehicle must be registered prior to the start of its use.

112.5(3) Treatment and disposal facilities must be operated in compliance with all conditions listed in the permit, including all record-keeping, monitoring and reporting requirements, if any are included.

112.5(4) The department may modify or amend any permit if it determines that a revision is appropriate or necessary to protect the public health.

112.5(5) The department may revoke any permit for cause. Such cause will include, but not be limited to, failure to comply with any permit condition or evidence that continued operation of the facility may pose a threat to the public health.

112.5(6) The department shall be notified within thirty (30) days of any change in the ownership, operation or physical location of any treatment, disposal or transportation facility.

112.5(7) The department shall be notified within thirty(30) days of any replacement, alteration, expansion or any material change in operation of the facility.

112.5(8) The holder of a treatment or disposal permit must submit an application for renewal of a permit not less than 90 days prior to the expiration date.

112.5(9) Any person treating, disposing or transporting infectious waste pursuant to this section must comply with all federal, state and local regulations and requirements.

This rule is intended to implement Iowa Code sections 455B.301 through 455B.307 and 455B.501 through 455B.505.

Date

Larry J. Wilson, Director

Mr. Stokes gave a detailed explanation of the rules. He noted that the legislature placed a moratorium on the department issuing permits to commercial medical waste treatment facilities until rules are adopted and in place.

Brief discussion followed.

INFORMATIONAL ONLY

PROPOSED RULE--CHAPTER 117, WASTE TIRE COLLECTION AND PROCESSING

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be provide a copy of proposed rules addressing the permitting of waste tire collection and processing facilities. Staff will be available to explain the rules and answer questions. Chapter 455D Code of Iowa directs the Commission to adopt rules covering these facilities.

These rules are being provide to the Commission for information only at this meeting. The Commission will be asked to approve a Notice of Intended action to solicit public comment on these rules at their March 1995 Commission meeting.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Notice of Intended Action

Pursuant to the authority of Iowa Code sections 455B.304, 455D.11, 455D.11A, and 455D.11B, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 117, "Requirements for Waste Tire Facilities," Iowa Administrative Code.

These rules establish regulations required by the above-cited Iowa Code provisions, related to waste tire collection and processing sites or facilities.

Any interested person may make written suggestions or comments on the proposed amendments on or before _____, 1995. Written comments should be directed to Lavoy Haage, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034, fax (515)281-8895.

A public hearing will be held on _____, 1995, at ____ a.m. in the _____ Floor Conference Room, Wallace State Office Building, Des Moines, Iowa, at which time comments may be submitted orally or in writing.

Any persons who intend to attend a public hearing and have special requirements such as hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

These amendments may impact small businesses.

These amendments are intended to implement Iowa Code sections 455B.301-.307 and 455D.11-.11B.

The following amendments are proposed.

ITEM 1. Change rule 117.2(455B,455D) to 117.1(455B,455D), delete the definition of "Tire", add the following new definitions in alphabetical order, and amend the definition of "Waste tire", as follows:

"Permit" means a permit issued by the department to establish, construct, modify, own, or operate a tire stockpiling or processing facility.

"Processing" means producing or manufacturing usable materials from waste tires.

"Processing site" means a site which is used for the processing of waste tires and which is owned or operated by a tire processor who has a permit for the site.

"Tire collector" means a person who owns or operates a site used for the storage, collection, or deposit of more than five hundred waste tires.

"Tire processor" means a person engaged in the processing of waste tires.

"Waste tire" means a tire that is no longer suitable for its originally intended purpose due to wear, damage, or defect. *"Waste tire" does not include a nonpneumatic tire.*

"Waste tire collection site" means a site which is used for the storage, collection, or deposit of waste tires.

ITEM 2. Adopt a new rule 117.2(455B,455D), as follows:

567-117.2(455B,455D) Permit Requirements and Conditions.

117.2(1) Applications for storage, collection or processing.

a. Application for a permit must be made on a form provided by the department and must be accompanied by the following:

(1) A map showing the site proposed to be used for the storage, collection or processing of tires, the property boundaries of the site and the location of any structures or other improvements within 1000 ft. of the site boundary.

(2) A facility closure plan that describes the actions that would be taken to remove all wastes, including processing residuals and unprocessed tires, and identifies the final disposition of all such wastes by identifying specific locations or facilities should the permitted facility cease operation for whatever reason.

(3) A vector control plan that details the methods and procedures that will be used prevent and control infestations of mosquitos and rodents.

(4) A financial assurance instrument that fully complies with rule 117.3(455B,455D).

(5) A certified check in the amount of eight hundred fifty dollars for the first year of operation. A fee of eight hundred and fifty dollars shall be paid annually by July 1 of each year after issuance of a permit, until the operation ceases and is properly closed. Failure to remit an annual fee terminates the permit, and the facility shall be properly closed in accordance with subrule 117.3(2), paragraph "d".

117.2(2) Storage and Disposal of Waste tires.

a. No person shall have five hundred (500) or more waste tires on one property or on numerous properties under their ownership, management or control unless they have a current storage permit from the department of natural resources.

b. New sites must obtain a permit from the department before initiating operation.

c. Storage sites in existence at the time of adoption of this rule must apply for a permit no later than *[one year after the affective date of this rule - date to be inserted upon final adoption]*. Permits issued for existing sites shall contain a schedule with the earliest practical date for attaining full compliance with this rule. In no case shall the compliance date be later than December 31, 1999. The one year period allowed for submitting an application by existing sites is for the purpose of providing the responsible party a reasonable period of time to acquire and submit proof of financial responsibility as required by rule 117.3(455B,455D).

d. Any person choosing not to continue the maintenance or operation of a waste tire storage site shall have properly removed all tires from the site within the one year period allowed for

submitting a storage permit application. If the removal process is well under way, but not fully completed within the one year period, the department may, upon request, issue a temporary permit for the exclusive purpose of completing the removal. The additional time period granted in this manner shall not exceed six months.

e. Above ground storage, open area.

- (1) No single tire pile shall contain more than 50,000 cubic feet of waste tires.
- (2) The highest (vertical) dimension of any tire pile shall not exceed 10 ft.
- (3) The largest surface area covered by a pile shall not exceed 5,000 Sq. Ft.
- (4) Fire lanes having a minimum width of 40 ft. must be maintained between any two tire

piles.

- (5) Fire lanes having a minimum width of 20 ft. must be maintained between any tire pile and a) any structure, b) a property line, and c) a street.

(6) The site must be graded and bermed to prevent any run on of precipitation and to prevent any standing pools of water on the site.

(7) The storage site must be secured from unauthorized access by a chain link fence and gates or an equivalent method.

(8) The perimeter of the site must be posted with signs prohibiting burning within three hundred feet of a tire pile. Perimeter signs must be not more than one hundred feet apart with lettering that is readable at a distance of one hundred feet.

f. Above ground storage, enclosed area.

(1) To qualify as an enclosed area, the structure must have a permanent roof and adequate lateral protection to prevent precipitation entering the tire storage area.

(2) No storage structure within a city's corporate limits shall contain more than 50,000 cubic yds. of tires

(3) No storage structure located within 1000 ft. of any other structure or facility shall contain more than 50,000 cubic yards of tires.

(4) No combustible materials or volatile chemicals may be stored in a building permitted for tire storage.

(5) The storage site must be secured from unauthorized access.

(6) The perimeter of the site must be posted with signs prohibiting burning within three hundred feet of the building. The signs must be not more than fifty feet apart and must be readable at a distance of one hundred feet.

g. Underground storage.

(1) To qualify as an underground tire storage area for purposes of this rule the area must not be subject to seepage or direct entry of surface or ground water, it must be secure from entry by unauthorized persons and it cannot be used for the storage of combustible materials or volatile chemicals.

(2) Underground sites shall have access lanes, not less than 20 ft. in width, arranged in a such a manner that no point in the tire storage area is more than 150 ft. from an access lane.

117.2(3) Processing.

a. Application for a processing permit must be made on forms provided by the department. The application must be accompanied by a map showing the area to be used as a processing site, the property boundaries of the site and the location of any structures or improvements within 1000 ft. of the property boundary. If the processing equipment is exclusively portable and will

never be used to process tires on property owned or controlled by the processor, the site map referred to above need not be submitted.

b. The application must be accompanied by shop drawings, data sheets or similar documents that clearly show the process method and associated appurtenances including the capacity of the process.

c. Permits will normally be issued for a period of five years. An application for renewal shall be filed at least 90 days prior to the expiration date. Failure to remit the annual permit fee specified in subrule 117.2(1), subparagraph "a"(5) prior to the expiration of the permit will terminate any further consideration of the renewal application.

d. Any process that will or may result in air emissions, or a liquid discharge from the facility must comply with all applicable regulations, including specific permits required by air or water quality rules of the state.

e. Any person having a current tire processing permit may store tires on the processing site without a separate storage permit subject to the following limitations:

(1) All the rules in this chapter pertaining to storage, including financial assurance, are complied with, except possession of a separate permit.

(2) The number of tires in storage on site does not exceed the amount that can be processed in 300 hours of operating time.

(3) The processing equipment must have operated and successfully processed tires for a minimum of 500 hrs. during the most recent 6 month period.

f. Processed tire products on site may not exceed six months' processing capacity unless a different limitation has been specified in the permit. Such exceptions shall not be granted by the department unless the permittee has requested a different limitation with appropriate justification showing why an occasional exceedance may be necessary for normal business operations.

ITEM 3. Adopt a new rule 117.3(455B,455D), as follows:

567-117.3(455B,455D) Financial Assurance Requirements.

117.3(1) No permit can be issued by the department for a tire processor or a waste tire collection site until a financial assurance instrument, as required by this rule, has been submitted to the department. The one year period allowed for submitting an application by existing sites is for the purpose of providing the responsible party a reasonable period of time to acquire and submit proof of financial responsibility as required by this rule.

117.3(2) Financial assurance may be provided by cash, surety bond, letter of credit, or a secured trust fund.

a. A surety bond must be written by a company authorized by the commissioner of insurance to do business in this state. The bond shall be in a form approved by the commissioner of insurance and shall be payable to the department of natural resources.

b. The bond must be continuous until canceled by the surety. Written notice of intent to cancel the bond must be provided to the owner and the department at least ninety days before the effective date of the cancellation.

c. Within 30 days of receipt of a written notice of cancellation the owner must provide the department an alternative financial assurance instrument. If a means of continued financial assurance is not provided within that 30 days the department will suspend the permit.

d. The owner shall perform proper closure within 30 days of the permit suspension. For the purpose of this subrule, proper closure means the removal of all tires and related products from the premises.

e. If the owner does not properly close the site within the 30 day period allowed, the department shall file a claim with the surety company to collect the amount of the bond necessary to properly close the site.

117.3(3) Any financial assurance instrument provided to the department in compliance with this section must be payable to the department and must remain in continuous effect until the director of the department gives written notification to the owner and the surety provider that the covered facility has been properly closed. An owner who elects to terminate a permitted activity, or whose renewal application has been denied, or whose permit has been suspended or revoked for cause must submit a schedule within 30 days of the termination of the permit for completing proper closure of the terminated activity. Closure completion cannot exceed 180 days from the date of termination or the permit.

117.3(4) The director may request payment from any surety provider for the purpose of completing closure when any of the following circumstances exist.

a. The owner is more than 15 days late in providing a schedule for closure or for meeting any date in the schedule for closure.

b. The owner declares an economic inability to comply with this section, either by written notification to the Director or through an action such as a bankruptcy filing.

117.3(5) The amount of the financial assurance instrument to be provided and maintained by a permittee is as follows:

a. An application for a collection or storage facility must have a financial assurance instrument equal to eighty-five cents per tire listed as the maximum storage capacity being requested in the permit application.

b. An application for a processing facility must have a financial assurance instrument equal to eighty-five cents per tire for each tire on site that is in excess of seventy two hours of capacity of the processing equipment.

ITEM 4. Adopt a new rule 117.4(455B,455D), as follows:

567-117.4(455B,455D) General Requirements.

117.4(1) A person who contracts with another person to transport more than forty waste tires is required to contract only with a person registered as a waste tire hauler pursuant to section 9B.1.

117.4(2) Land disposal, including landfilling, of tires is prohibited unless each each tire is processed by shredding, or, at the minimum, cut into pieces that are not more than eighteen inches on any side.

117.4(3) A person who transports waste tires for final disposal is required to only dispose of the tires at a permitted sanitary disposal facility.

These rules are intended to implement Iowa Code sections 455B.301-.307 and 455D.11-.11B.

Date

Larry J. Wilson, Director

Mr. Stokes reviewed the rules noting that most of the requirements in the rule came from the Code itself. Staff studied the National Fire Code in regard to storage and fire lane requirements. The rules contain requirements for both above ground and below ground storage facilities.

Clark Yeager asked for a copy of the Code from which portions of the rule were taken.

Mr. Stokes replied that it will be included in next month's agenda packet.

Clark Yeager stated that in regard to the 500 waste tire limit, he is concerned that some farmers may have more than that at their silo or a go-cart track may also exceed that amount. He added that he thinks it is ridiculous for them to have to pay \$850 for a permit in these types of situations.

Mr. Stokes stated that the 500 tire limit is in the law and the legislature would have to change it. He added that the Commission may want to look at setting limit exemptions for people who put tires to beneficial use.

Discussion followed regarding the 50,000 cubic foot storage limit, and non-neumatic tires.

INFORMATIONAL ONLY

AIR QUALITY BUDGET AND PERMIT FEES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be provided a copy of revised budget projections for the air quality program for fiscal years 1995 and 1996. Staff will be available to give the Commission an explanation of the projections and answer questions. The Commission had, at an earlier meeting, decided to have parties subject to air permit fees remit only half of fees the total fees pending review of revised budget projections for this program. These projections are being provide to the Commission for information only at this meeting.

The Commission will be asked at their March 1996 meeting to make a decision relative to payment of fees for the balance of this fiscal year (fiscal year 1995), as well as a preliminary decision on fees for fiscal year 1996.

AIR QUALITY BUDGET STATE FISCAL YEAR TO JULY 1, 1995

Air Quality Cost Center

Personnel services (including 1 public service executive, 6 engineers, 6 specialists, & 2 clerks)	753,800
Travel in state	3,336
Travel out of state	4,975
University Hygienic Laboratory agreement	232,000
Office supplies	1,882
Facility maintenance supplies	770
Equipment maintenance	2,400
Other supplies	5,184
Printing and binding	20,441
Communications	22,459
Utilities	6,044
Professional services	24,475
Outside services	32,146
Advertisement in publications	326
Data processing	12,000
Reimbursement	2,000
Indirect charges	<u>99,502</u>
	1,223,740

Air Quality Field Cost Center

Personnel services (including 0.25 public service executive, 0.25 program planner, 4 specialists)	245,153
Travel in state	1,008
Travel out of state	1,500
Office supplies	1,000
Printing & binding	500
Communications	9,000
Outside services	275
Data processing	5,000
Reimbursement	1,000
6 computers with capability to access imaged data	37,000
Equipment	30,000
Indirect charges	<u>32,360</u>
	363,796

Air Toxics Cost Center

Personnel services for existing staff (including 1 attorney, 2 engineers, & 4 specialists)	276,698
Personnel services for 10 new staff for 6 months (including 1 env program supervisor, 3 engineers, & 6 specialists)	174,000
Travel in state	3,500
Travel out of state	50,000
Office supplies	22,824
Facility maintenance supplies	763
Equipment maintenance	1,000
Other supplies	1,000
Printing & binding	27,000
Communications	10,000
Utilities	1,000
Outside services	1,800
Advertisement in publications	1,000
Data processing	8,000

Reimbursement	4,000
Equipment	25,000
Polk County local program agreement (annually 387,520 ¹)	290,640
Linn County local program agreement (annually 337,000 ¹)	168,500
UNI small business assistance agreement (annually 210,000 ¹)	185,000
State Ombudsman agreement (annually 74,500 ¹)	55,875
Whitmore contract for construction permit review	20,000
Chart Services contract for construction permit review	20,000
Barr Engineering contract for construction permit review	20,000
Competitive bid contract for construction permit review	60,000
Imaging system equipment	1,000,000
Computers for 10 new staff	50,000
Office equipment & furniture for 10 new staff	50,000
Air monitoring equipment	300,000
River Hills storage lease and electricity	29,000
Indirect charges	<u>59,500</u>
	2,916,100

Air quality cost center	1,223,740
Air quality field cost center	363,796
Air toxics cost center	2,916,100
State share of special purchase of air monitoring equipment	<u>148,680</u>
	4,652,316

Carry-over air toxic fees	362,000
Title V fees received 11/94 ²	2,966,000
Federal 105 air grant	901,081

Shortfall	423,235
Non-federal funds to cover 1/3 of SFY 96 budget	
(to November 1995)	<u>1,605,479</u>
	2,028,714

\$8.93 per ton³

¹agreement based on federal fiscal year

²based on 11/94 collection of \$12 per ton only

³based on total tonnage of 227,118

AIR QUALITY BUDGET STATE FISCAL YEAR TO JULY 1, 1996

Air Quality Cost Center

Personnel services (including 1 public service executive, 6 engineers, 6 specialists, & 2 clerks)	760,831 ¹
Travel in state	3,336
Travel out of state	4,975

University Hygienic Laboratory agreement	282,000 ²
University Hygienic Laboratory agreement increase for 4 stack test staff	204,320
Office supplies	1,882
Facility maintenance supplies	770
Equipment maintenance	2,400
Other supplies	5,184
Printing and binding	20,441
Communications	22,459
Utilities	5,044
Professional services	24,475
Outside services	32,146
Advertisement in publications	326
Data processing	12,000
Reimbursement	2,000
Indirect charges	<u>93,582</u>
	1,478,171

Air Quality Field Cost Center

Personnel services (including 0.25 public service executive, 0.25 program planner, 4 specialists)	248,629 ¹
Travel in state	1,008
Travel out of state	1,500
Office supplies	1,000
Printing & binding	500
Communications	9,000
Outside services	275
Data processing	5,000
Reimbursement	360
Equipment	35,000
Indirect charges	<u>30,581</u>
	332,853

Air Toxics Cost Center

Personnel services for existing staff (including 1 attorney, 5 engineers, & 10 specialists, & 1 env program supervisor)	624,698 ¹
Personnel services for 15 new staff for 10 months (including 1 env program supervisor, 2 engineers, 9 specialists, 1 attorney & 2 data specialists)	460,000
Travel in state	7,000
Travel out of state	170,000 ³
Office supplies	45,648
Facility maintenance supplies	1,526
Equipment maintenance	2,000
Other supplies	2,000
Printing & binding	54,000
Communications	40,000
Utilities	2,000
Outside services	3,600
Advertisement in publications	2,000
Data processing	16,000
Reimbursement	8,000
Equipment	29,132
Polk County local program agreement	421,520

Linn County local program agreement	200,000
UNI small business assistance agreement	210,000
State Ombudsman agreement	74,500
Competitive bid contract for construction permit review	240,000
Contract for voluntary operating permit review	500,000
Interagency agreement with prison industries for file imaging	180,000
Computers for 15 new staff	75,000
Office equipment & furniture for 15 new staff	75,000
Air monitoring equipment	150,000
River Hills storage lease and electricity	29,000
Indirect charges	<u>144,734</u>
	<u>3,767,358</u>

¹ Includes no cost of living adjustment

² Increase due to servicing additional air monitors

³ Increase due to training new staff

Air quality cost center	1,478,171
Air quality field cost center	332,853
Air toxics cost center	<u>3,767,358</u>
	5,578,382

Carry-over Title V fees received 5/95 ²	1,605,479
Federal 105 air grant	761,463

Shortfall	3,211,440
Non-federal funds to cover 1/3 of SFY 97 budget	
(to November 1996)	<u>1,553,925</u>
	4,765,365

\$24.68 per ton¹

¹ based on total tonnage of 193,050

AIR QUALITY BUDGET STATE FISCAL YEAR TO JULY 1, 1997

Air Quality Cost Center

Personnel services (including 1 public service executive, 6 engineers, 6 specialists, & 2 clerks)	760,831 ¹
Travel in state	3,336
Travel out of state	4,975
University Hygienic Laboratory agreement	282,000
University Hygienic Laboratory agreement increase for 4 stack test staff	204,320
Office supplies	1,882

Facility maintenance supplies	770
Equipment maintenance	2,400
Other supplies	5,184
Printing and binding	20,441
Communications	22,459
Utilities	5,044
Professional services	24,475
Outside services	32,146
Advertisement in publications	326
Data processing	12,000
Reimbursement	2,000
Indirect charges	<u>93,582</u>
	1,478,171

Air Quality Field Cost Center

Personnel services (including 0.25 public service executive, 0.25 program planner, 4 specialists)	248,629 ¹
Personnel services for 3 new staff for 10 months (3 specialists)	85,000
Travel in state	2,000
Travel out of state	15,000
Office supplies	2,000
Printing & binding	1,000
Communications	15,000
Outside services	500
Data processing	10,000
Reimbursement	1,000
Computers for 3 new staff	15,000
Office furniture for 3 new staff	15,000
Equipment	20,000
Indirect charges	<u>41,036</u>
	471,765

Air Toxics Cost Center

Personnel services for existing staff (including 2 attorney, 7 engineers, & 19 specialists, 2 env program supervisor & 2 data specialists)	1,176,698 ¹
Personnel services for 7 new staff for 10 months (including 1 env program supervisor & 6 specialists)	216,667
Travel in state	7,000
Travel out of state	170,000
Office supplies	55,000
Facility maintenance supplies	1,800
Equipment maintenance	2,200
Other supplies	2,200
Printing & binding	65,000
Communications	48,000
Utilities	2,000
Outside services	4,200
Advertisement in publications	2,200
Data processing	20,000
Reimbursement	10,000
Equipment	35,000
Polk County local program agreement	421,520

Linn County local program agreement	200,000
UNI small business assistance agreement	210,000
State Ombudsman agreement	74,500
Competitive bid contract for construction permit review	240,000
Interagency agreement with prison industries for file imaging	90,000
Computers for 7 new staff	35,000
Office equipment & furniture for 7 new staff	35,000
Air monitoring equipment	150,000
River Hills storage lease and electricity	29,000
Indirect charges	<u>171,384</u>
	3,474,369

¹ Includes neither cost of living adjustment nor pay grade adjustments

Air quality cost center	1,478,171
Air quality field cost center	471,165
Air toxics cost center	<u>3,474,369</u>
	5,423,705

Carry-over Title V fees received 11/95	1,553,925
Federal 105 air grant	761,463 ¹

Shortfall	3,108,317	
Non-federal funds to cover 1/3 of SFY 98 budget		
(to November 1997)	<u>1,807,746</u>	
	4,916,063 ¹	\$26.81 per ton ²

¹ actual 105 grant money available is unknown

² based on total tonnage of 183,400

Mr. Stokes reviewed the Air Quality Budget in detail. He distributed copies of the projected Air Quality Budget for State Fiscal Years 1995, 1996 and 1997. He added that he would like the Commission to review the material and decide next month whether to collect additional fees of 24/ton for the balance of this fiscal year, and to make a decision for FY 1996 also. He related that he does not feel the Emergency Adopted rules approved earlier today will affect the fees.

Discussion followed regarding the digitizing process and how it will streamline issuing permits; staffing for central office and the field; the possibility of regulated communities submitting application information on diskette; and filling three engineer positions with qualified people.

INFORMATIONAL ONLY

NOTICE OF TERMINATION OF RULEMAKING AND EMERGENCY ADOPTED RULE--
CHAPTER 23, OPEN BURNING

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Attached is a Notice of Termination of Rulemaking and an Adopted and Filed without Notice document for amendments to the Department's open burning rule. The 180-day deadline for adoption of these amendments has just expired, the rulemaking must be terminated. It is recommended that the amendments be adopted and filed without notice rather than starting over again with the rulemaking process.

These amendments incorporate changes to the open burning exemptions in subrule 23.2(3) IAC required by 1994 Iowa Acts, House File 2190 and clarify the intent of certain exemptions regarding open burning in rural settings.

A public hearing was held on August 22, 1994. The public participation responsiveness summary is attached.

It is recommended that the Commission adopt the attached rules.

ENVIRONMENTAL PROTECTION COMMISSION [567]
Notice of Termination

Pursuant to the authority of Iowa Code Section 17A.4(1)"b," the Environmental Protection Commission terminates the rule making initiated by its Notice of Intended Action published in the Iowa Administrative Bulletin on July 20, 1994, as **ARC 4963A**, amending Chapter 23, "Emission Standards for Contaminants," Iowa Administrative Code. The one hundred eighty day deadline for adoption has expired.

The Notice proposed to incorporate changes to the open burning exemptions in subrule 23.2(3) required by 1994 Iowa Acts, House File 2190, and clarify the intent of certain exemptions regarding open burning in rural setting.

The Commission is terminating the rule making commenced in **ARC 4963A** and is filing an Adopted and Filed Emergency action to address these amendments.

Date

Larry J. Wilson, Director

ENVIRONMENTAL PROTECTION COMMISSION [567]**Adopted and Filed Without Notice**

Pursuant to the authority of Iowa Code section 455B.133 and 1994 Iowa Acts, House File 2190, the Environmental Protection Commission emergency adopts and implements amendments to Chapter 23, "Emission Standards for Contaminants," Iowa Administrative Code.

These amendments incorporate changes to the open burning exemptions in subrule 23.2(3) required by 1994 Iowa Acts, House File 2190 and clarify the intent of certain exemptions regarding open burning in rural settings.

In compliance with Iowa Code section 17A.4(2), the department finds that the notice and public participation are unnecessary and contrary to the public interest because the department has already gone through the notice and public participation process on these rule amendments. A notice was published in the July 20, 1994, Iowa Administrative Bulletin as **ARC 4963A** and a public hearing was held on August 22, 1994. In response to comments, the use of landowner in these amendments was broadened to include a tenant. Also in paragraph 23.2(3)"i" the exemption was broadened to include an employee of the landowner or tenant and to allow the open burning within 1/4 mile of a building inhabited by a person if a waiver is obtained for the open burning. Also, a change was made to paragraph 23.2(3)"g" to indicate that the restriction to two training fires per year only related to fires where the asphalt roofing has not been removed. It is in the public interest to adopt these amendments at this time.

These amendments may impact small businesses.

These amendments are intended to implement Iowa Code section 455B.133 and will become effective April 19, 1995.

The following amendments are adopted.

ITEM 1. Amend subrule 23.2(3), paragraph "d," "g," "h," and "i" as follows:

d. Landscape waste. The disposal by open burning of landscape waste originating on the premises. However, the burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas located at least one-fourth mile from any ~~inhabited building~~ inhabited by other than the land owner or tenant conducting the open burning. Rubber tires shall not be used to ignite landscape waste.

g. Training fires. Fires set for the purpose of bona fide training of public or industrial employees in fire fighting methods, provided that written notification is postmarked or delivered to the director at least ten working days before such action commences. Notification shall be made in accordance with 40 CFR Section 61.145, "Standard for demolition and renovation", of the asbestos National Emission Standards for Hazardous Air Pollutants, as amended through March 5, 1992. ~~All asphalt roofing and asbestos-containing materials shall be removed prior to the training fire.~~ Asphalt shingles may be burned in a training fire only if the notification to the director contains testing results indicating that none of the layers of the asphalt shingles contain asbestos. Each fire department may conduct no more than two training fires per calendar year

where asphalt roofing has not been removed, provided that for each of those training fires the asphalt roofing material present has been tested to ensure that it does not contain asbestos.

h. Paper or plastic pesticide containers and seed corn bags. The disposal by open burning of paper or plastic pesticide containers (except those formerly containing organic forms of beryllium, selenium, mercury, lead, cadmium or arsenic) and seed corn bags resulting from farming activities occurring on the premises. Such open burning shall be limited to areas located at least one-fourth mile from any ~~inhabited building~~ inhabited by other than the landowner or tenant conducting the open burning, livestock area, wildlife area or water source. The amount of paper or plastic pesticide containers and seed corn bags that can be disposed of by open burning shall not exceed one day's accumulation or 50 pounds, whichever is less. However, when the burning of paper or plastic pesticide containers or seed corn bags causes a nuisance, the director may take action to secure relocation of the burning operation. Since the concentration levels of pesticide combustion products near the fire may be hazardous, the person conducting the open burning should take precautions to avoid inhalation of the pesticide combustion products.

i. Agricultural structures. The open burning of agricultural structures ~~outside of cities or towns~~, provided that the open burning occurs on the premises and, for agricultural structures located within a city or town, at least one-fourth mile from any building inhabited by a person other than the landowner, a tenant, or an employee of the landowner or tenant conducting the open burning unless a written waiver in the form of an affidavit is submitted by the owner of the building to the department prior to the open burning; all chemicals and asphalt shingles are removed; burning is conducted only when weather conditions are favorable with respect to surrounding property; and permission from the local fire chief is secured in advance of the burning. Rubber tires shall not be used to ignite agricultural structures.

ITEM 2. Amend subrule 567--23.2(4) as follows:

23.2(4) Unavailability of exemptions in certain areas. Notwithstanding 23.2(2) and 23.2(3)"b," "d," ~~and "f,"~~ and "i," no person shall allow, cause or permit the open burning of trees or tree trimmings, residential or landscape waste or agricultural structures in the cities of: Cedar Rapids, Marion, Hiawatha, Council Bluffs, Carter Lake, Des Moines, West Des Moines, Clive, Windsor Heights, Urbandale and Pleasant Hill.

This rule is intended to implement Iowa Code section 455B.133.

Date

Larry J. Wilson, Director

Mr. Stokes explained that during the last legislative session the general assembly addressed the issue of open burning particularly pertaining to training fires and the removal of asphalt shingles and asbestos materials. The rule allowed for two training fires, per community, each year without first removing the asphalt shingles. He reviewed details of the rules. Mr. Stokes noted that a Notice of Intended Action on these rules was previously approved by the Commission, but

the 180 day limit has elapsed. He related that the previously approved rule will now need to be terminated and an Emergency Rule will need to be approved.

Gary Priebe stated that he was under the impression that it is okay to burn seed corn sacks.

Mr. Stokes stated that it is okay to burn them but it has to be done 1/4 mile from another inhabited residence.

Motion was made by Charlotte Mohr to approve Notice of Termination of Rulemaking--Chapter 23, Open Burning. Seconded by Gary Priebe. Motion carried unanimously

Motion was made by Rozanne King to approve Emergency Adopted Rule--Chapter 23, Open Burning. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS PRESENTED

PROPOSED CONTESTED CASE DECISION--CITY OF NEWTON; ROBERT & LYNN VAN MAAREN; LUCILLE LOAR; MELBURN & JAYNE CLYMER; LELAND C. FAIDLEY

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On May 11, 1994, the department issued Flood Plain Development Permit Number FP-94-76 to the Healy Trust. That action authorized construction and maintenance of a comprehensive agricultural levee on the flood plain of the South Skunk River. That action was appealed by The above-named parties, neighboring property owners,, and the matter proceeded to administrative hearing on January 13, 1995. The Administrative Law Judge issued the attached Proposed Findings of Fact, Conclusions of Law, and Order on January 31, 1995. The decision affirms the issuance of the permit.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Murphy reviewed the history of this case and noted that there has not been any appeal at this time.

The Commission took no action; this has the effect of upholding the Administrative Law Judge decision in the absence of an appeal.

ALJ DECISION UPHELD

AIR QUALITY PROGRAM AND GRAIN ELEVATORS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

A presentation on grain elevators and the Department's efforts to assist them in complying with the air quality permitting requirements was given recently to a joint committee of the Legislature. This presentation will be given to the Commission for its information.

Mr. Stokes introduced Pete Hamlin, Air Quality Bureau Chief, to make the presentation on the air quality program as it pertains to grain elevators.

Following a few introductory remarks, Pete Hamlin gave a videotape presentation which was shown to a group of legislators and was well received. The videotape, co-sponsored by the Agri Business Association and DNR, covers air permitting and rules that apply to grain elevators. He explained steps taken that will minimize the regulatory impact upon grain elevators and keep them in compliance with the Clean Air Act. He related that issuing General Permits is a way to deal with the problem.

William Ehm asked if the general permits will require legislative action.

Mr. Stokes stated that there is some bill language that makes it clear the department has the authority to issue general permits. He added that even though there is statutory authority, rules will have to be developed for general permits.

INFORMATIONAL ONLY

LEGISLATION UPDATE

Don Paulin, Deputy Director, reviewed the status of the following bills of interest to the Commission. Mr. Paulin noted that a majority of DNR bills have been assigned to subcommittees.

Beverage Deposit: there are three different versions of this bill - one adds milk jugs, another adds all aluminum containers, and the other reduces landfill reduction goals penalty charge, removes liquor bottles, and encourages landfill alternative grants to glass processors.

General Permits: a Senate bill would allow general permits in both the land area and waters area.

Livestock Confinement Issue: three bills have been introduced so far - one would regulate or eliminate the irrigation spray guns, and another would require DNR to study some confinement sites around the state. The third bill deals with initiatives contained in the Topel report.

Underground Storage Tanks: two Senate bills have been introduced - one deals with the trigger date for updating tanks, pushing it back from January 1, 1995. The other bill deals with marketability and calls for an increase in the fund.

Open Burning: a Senate bill would nullify part of the existing departmental rules. The rules approved by the Commission today will most likely eliminate the need to nullify the rules.

Polystyrene Disposal Ban: a bill was introduced to eliminate the ban of disposing polystyrene in landfills.

Storm Water Discharge: this bill would require evaluation by the SCS prior to the DNR issuing a general permit.

Waste Tires: this bill would require a \$10 fee per vehicle registration and would funnel money back out to counties for them to collect tires.

Drinking Water-Use of Water Fees: deals with user fees charge and match money by general fund.

Water Fees: this bill would repeal portions of the 1994 bill

Welldrillers Certification: this bill would eliminate the requirement for well drillers to be certified.

INFORMATIONAL ONLY

DIRECTOR'S REPORT

Larry Wilson, Director, in follow up to the Waste Abatement Ad Hoc Committee report given last month, distributed copies of a letter Waste Management Assistance Division is sending out to all landfill operations.

Director Wilson stated that last week he spoke to the State Government Committee of the Farm Bureau. He related that their Environmental Affairs Coordinator plans to contact each county and ask for an individual to be designated as Environmental Coordinator for the county. Subsequently, those designees will meet with Farm Bureau and DNR which will be a good step in improving relations.

Director Wilson reported that he attended a bill signing ceremony at the Governor's Office last Friday on the bill giving the department general permit authority for air quality.

Director Wilson stated that in late January he attended a National Governor's Association meeting with Governor Branstad. He related that he worked on the following topics: 1) 1990 Farm Bill Reauthorization; 2) Report on Recreational Matters; 3) Property Rights Issue; and 4) Drinking Water Fees. He noted that the Governors were insistent in telling the federal officials that many demands are being made of the states without money to accompany them, and they are hopeful in seeing some relief on these programs.

Director Wilson displayed a copy of the Iowa Conservationist issue commemorating the State Parks 75th Anniversary. He encouraged the Commissioners to participate in some of the parks special events to be held around the state this year.

Director Wilson reported that he met with DED representatives last week and signed an agreement to have a DED staff person assigned solely to working with the DNR and Al Stokes on environmental issues, when large businesses are contemplating coming into Iowa or expanding here. He added that one benefit should be in getting permits out to new companies more expeditiously. DED will fund a study to review our environmental programs as compared with that of other states.

GENERAL DISCUSSION

Iowa Environmental Council

Chairperson Siebenmann circulated a newspaper article on the new Iowa Environmental Council (IEC) and asked if anyone has been in contact with them. She questioned whether the department will have a liaison with them.

Director Wilson stated that the DNR does not have a liaison with the IEC and he gave an overview of the council. He noted that one of our fisheries personnel, who represents the American Fisheries Society, will be involved with the IEC.

Future EPC Meeting Locations

Chairperson Siebenmann read a list of facilities that may be of interest to tour in conjunction with a future meeting.

Director Wilson suggested that the Commission take a portion of a day to tour several sites and then meet in the area the following day. He indicated that he will outline several groupings of facilities from the list and have the Commission review it at the next meeting.

ADDRESS ITEMS FOR NEXT MEETING

- List of facilities to tour

- NPDES Permits response to City of Ames
- Update on Don Grell
- Update on Rosebar

NEXT MEETING DATES

March 20, 1995

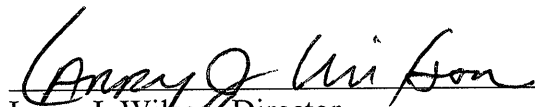
April 17, 1995

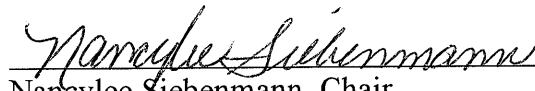
May 15, 1995

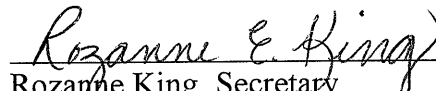
ADJOURNMENT

Motion was made by William Ehm to adjourn the meeting. Seconded by Gary Priebe. Motion carried unanimously.

With no further business to come before the Environmental Protection Commission, Chairperson Siebenmann adjourned the meeting at 2:45 p.m., Monday, February 20, 1995.


Larry J. Wilson, Director


Nancylee Siebenmann, Chair


Rozanne King, Secretary

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